

FINAL REPORT

ON THE

SURVEY AND SETTLEMENT OPERATIONS

IN THE

BAKARGANJ DISTRICT

1900 to 1908.

BY

J. C. JACK, I.C.S.,
Late Settlement Officer of Bakarganj.



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(BAKARGANJ FINAL REPORT.)

Errata.

Page	Paragraph.	For	Read
21	51, statement, column 2	... <i>Aus</i> <i>Aman</i> .
21	51, " " 3	... <i>Aman</i> ...	... <i>Aus</i> .
34	91, " ...	... <i>kuti</i> ...	... <i>phuti</i> .
37	101, verse ...	... <i>sua</i> ...	... <i>gua</i> .
40	111, line 2 ...	... <i>gaba</i> ...	... <i>joba</i> .
40	113, " 8 ...	... <i>envy</i> ...	... <i>fury</i> .
40	113, " 9 ...	... <i>rap</i> ...	... <i>rage</i> .
42	121, " 10 ...	... <i>sujali</i> ...	... <i>saiyali</i>
63	163, " 5 ...	... <i>Lease</i> ...	... <i>Leased</i> .
72	183, last statement : <i>substitute</i> the following :—		

Subdivision.	By pro- prietors, in- cluding Gov ernment.	By rent-pay- ing tenure- holders	By rent-paying raiyats with occupancy rights.	By raiyats with- out occupancy rights.	By rent-free tenants.
Sadar ...	$\frac{1}{2}$	23	75	1	$\frac{1}{2}$
Patuakhali ...	...	25 $\frac{1}{2}$	72	2	$\frac{1}{2}$
Pirojpur ...	...	39	60	$\frac{1}{2}$	$\frac{1}{2}$
Dakhin Shahbazzpur ...	$\frac{1}{2}$	17 $\frac{1}{2}$	76 $\frac{1}{2}$	5	$\frac{1}{2}$
	$\frac{1}{4}$	26 $\frac{1}{4}$	70 $\frac{1}{4}$	2 $\frac{1}{4}$	$\frac{1}{4}$

Page.	Paragraph.	For	Read
78	194 (second line in two places)	... <i>leas</i> ...	... <i>loans</i> .
96	216 (statement, last column)	... Rate per cent. of reve- nue rental value.	Rate per cent. of reve- nue on rental value.
172	333 (18th line from the top of the page)	... <i>then</i> ...	... <i>the</i> .
172	333 (16th line from the bottom of the page)	... <i>by</i> ...	... <i>be</i> .
185	13 (last but one line)	... <i>hose</i> ...	... <i>those</i> .
195	369 (second line)	... <i>permanently</i>	... <i>permanently-settled</i> .
195	370 (paragraph number)	... 70 ...	... 370
197	372 line 7	... <i>estates estates</i>	... <i>estates</i> .
209	390 (12th line of the page)	... <i>because</i>	... <i>became</i> .
225	462 (first line)	... <i>have been</i>	... <i>have</i> .
242	468 (first line)	... 28,33,121	... 28,33,360.
258	493 (line 18, from top of page)	... <i>Add "Hara Kishore Biswas (a) " after "Anath Bandhu Chatterjee."</i>	
"	493	... <i>Put a mark (b) after the name of Ataur Rahman.</i>	
"	<i>Add a foot-note</i>	... { (a) Subsequently made Rai Sahib. (b) " " Khan Bahadur.	

APPENDICES.

	Page.	For	Read
Appendix 5, column 2, last line	i	Talux	Taluk.
" 5, " 3, line 37	i	Sasat	Osat.
" 5, " 3, " 5	iii	Jantuk	Jautuk.
" 5, Explanation of revenue terms em- ployed, line 6	iii	devofee	devotee.
" 7, column 3, against 1909-10		2,12,495	2,12,734.
" 7 " 4, against 1909-10		2,24,058	2,24,297.
" B III, column 2	xyiii	Char Koratia	Char Koralia.
" G II, line 15	xli	applicants	applicant's rights.
" G IX, line 34	lvi	<i>bagra</i>	<i>barga</i> .
" L I, lines 11 and 15	lxxvi	Kalikabari	Kalibari.
" L III, line 9	lxxix	I	In.
" L X	xcix	G. H. B. KENRJAN	G. H. B. KENRICK.

FROM J. C. JACK, Esq., I.C.S.,
Late Settlement Officer of Bakarganj,

TO THE SECRETARY TO THE GOVERNMENT OF BENGAL,
IN THE REVENUE DEPARTMENT.

Dated Calcutta, the 5th March 1915.

SIR,

I HAVE the honour to submit the Final Report of the Settlement Operations in Bakarganj.

2. This has only been finished after long delay, which I may be permitted to explain. Until 1913, I was expected to write this Report in addition to my ordinary duties, first as Settlement Officer of Faridpur and then as Director of Land Records. I found this quite impossible and indeed only made any progress at all by sacrificing three Puja and two Christmas vacations. I was placed on special duty to finish the Report for a few weeks in 1913, but had only time to collect the materials and refresh a memory which had grown somewhat dim. The Report was completely written when I was on leave in Europe; but as access to the documents was there impossible, a great deal remained for correction. This, as well as the great delays in Press, accounts for the fact that so long a period has elapsed since my return before it could be published.

3. I should perhaps apologise for the length of the Report. I miscalculated the space it would occupy in print. No doubt I might have made trenchant reductions; but this would have involved much rewriting and therefore more delay, while I was somewhat loath to sacrifice so much of the labour of my holidays. The Report covers 260 pages as compared with 187 in the Saran and 146 in the Darbhanga Reports. In neither Saran nor Darbhanga was there any temporarily-settled area in which rents and revenue were revised, the description of which in the case of Bakarganj occupies 80 pages of the Report. Apart from this the disparity in length is not very great, and, as the report is the first dealing with an Eastern Bengal district, may perhaps be considered not altogether without justification. In dealing with the assessment of rent and revision of land revenue, I may have gone into too great detail, but it was difficult to satisfy the requirements of the Collector or of a future revision without it. The great length of the Appendices (not without precedent in the Reports of Chittagong and Muzaffarpur) is entirely due to the inclusion of correspondence concerning two matters which are likely to occupy the Collector and the administration very greatly in the future. On this account their inclusion may perhaps be considered not altogether inappropriate.

I have the honour to be,

SIR,

Your most obedient servant,

J. C. JACK,

Late Settlement Officer of Bakarganj.

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FINAL REPORT
ON THE
SURVEY AND SETTLEMENT OPERATIONS
IN THE
DISTRICT OF BAKARGANJ.

PART I.

General and Statistical Description of the District.

CHAPTER I.

THE LAND AND THE PEOPLE.

THE district of Bākarganj is one of the deltaic districts fringing the Bay of Bengal. It lies between $21^{\circ} 54''$ and $23^{\circ} 2'$ N. latitude and between $89^{\circ} 58'$ and $91^{\circ} 2'$ E. longitude and is in shape a very rough parallelogram. It is bounded on the south by the Bay of Bengal and on the north by the district of Faridpur, from which it is separated by a series of rivers and streams. On the west over the old stream of the Baleswar river lies the district of Khulnā; on the east is the great Meghnā estuary, which is divided between Noākhālī and Bākarganj, the line of division being the main stream of the Meghnā until that river opens like a fan, whence it follows the main stream of the Sāhābāzpur channel. The area within these boundaries, including water, is 4,891 square miles; but excluding the Meghnā estuary and the rivers, which form the district boundary, the area is 3,840 square miles.

Description of the District.

2. The district consists of two sharply defined parts. On the west is the great mainland block of a stiff clay soil, which disappears for three months each year under flood-water. On the east is a series of alluvial islands, usually well raised and formed of the characteristic Meghnā silt. Some of the islands are still uncultivated and uninhabited, but the largest, Sāhābāzpur, is sufficiently large and populous to form a subdivision. Many of the other islands are of no mean size.

3. Every part of the district still retains many traces of its recent formation. Ever since the great upthrust of the Himālayas the sea-coast has been steadily gaining upon the Bay of Bengal. The rivers which drained the Himālayas at first made their way to the sea at the extreme west of the great bend which marks the northern limit of the Bay of Bengal and there deposited their great load of silt. As land emerged, the rivers moved ever eastward until three parts of the bend have been filled in and only the eastern part remains. Westward the country is full of the memory and marks of old riverbeds which have been deserted in the eastern march, while in Bākarganj itself the water has left the Baleswar within modern memory and an old river, the Sundā, which

played a great part in the formation of Bākarganj, has completely disappeared. Within a century also the main stream of the Meghnā has moved 20 miles eastward. In the mainland of Bākarganj formation is practically complete, although the level of the land will still no doubt slowly rise. The great rivers are now concentrating their attention upon the bight which divides this mainland from Ohittagong. Until Noākhāli has been surveyed, it is impossible to say at what rate formation takes place; but it is certainly considerable enough

River action in the Meghnā estuary. to support the view that the twentieth century will see the development of the eastern part of the present estuary into a more or less solid block of land. The amount of silt which the Meghnā carries in the flood season is astonishing and at the height of the flood the pace of the stream is considerable. It has been calculated that "if a fleet of about 2,000 ships, each freighted with 1,400 tons of mud, were to sail down the river every hour of the day for four months continuously, they would only transport to the sea a mass of solid matter equal to that borne down by the Ganges in the four months of the flood season."*

4. From an agricultural point of view, the main characteristic of the district is the annual deposit of silt, which is left by the floods which cover the country from July to October. Very little of the land in Bākarganj, which has not been artificially raised, is not at some time or other during these months under flood water and the greater part is under water for a considerable period. The prevalence of this condition is made possible by the network of rivers and streams with which the district is covered. It is therefore important to understand the river system which depends not so much upon the number of rivers of great size, but upon the multitude of smaller distributaries and streams which serve as irrigation channels to spread the flood water far and wide. In the Meghnā estuary the conditions are somewhat different from the conditions in the mainland block and will require separate treatment.

The river system. The river system which depends not so much upon the number of rivers of great size, but upon the multitude of smaller distributaries and streams which serve as irrigation channels to spread the flood water far and wide. In the Meghnā estuary the conditions are somewhat different from the conditions in the mainland block and will require separate treatment.

5. Apart from the Meghnā the larger rivers of Bākarganj are eight in number. Although all flow north and south, only one of the eight, the Baleswar, which leaves the Padma near Kustiā far away in the north, flows through the entire district. Four of the others are confined to the north-east of the district, viz.—

- | | |
|-----------------------------------|------------------------|
| (1) the Turki (or Pālardi) river; | (3) the Safipur river; |
| (2) the Āriāl Khān; | (4) the Noābhāngani. |

And three to the south of the district—

- | | | |
|-------------------|-----------------------------|------------------|
| (1) the Biskhāli, | (2) the Bighāi or Bureswar, | (3) the Lohāliā. |
|-------------------|-----------------------------|------------------|

6. The northern four are all in fact channels of the Padma after its junction with the Brahmaputra. The water of this great river slips away westward through many water-courses in the district of Faridpur, which unite to form the Āriāl Khān river. Subsequently the Āriāl Khān divides into two main channels, the western of which enters Bākarganj as the Turki river and the eastern retains the name of the Āriāl Khān. The Noābhāngani and Safipur rivers were created in modern times probably as a result of the historic floods of the Tistā in 1787 (A.D.). There were previously no doubt small channels which the flood water widened out in its effort to get away.

The northern rivers. The northern rivers. Bākarganj as the Turki river and the eastern retains the name of the Āriāl Khān. The Noābhāngani and Safipur rivers were created in modern times probably as a result of the historic floods of the Tistā in 1787 (A.D.). There were previously no doubt small channels which the flood water widened out in its effort to get away.

The southern rivers. The southern rivers. of which the most important are the Sikārpur Khāl, the Dwārikā Dōn, the Barisāl river and the Bukhāinagar Dōn, which unite to form the Biskhāli river, the Bākarganj

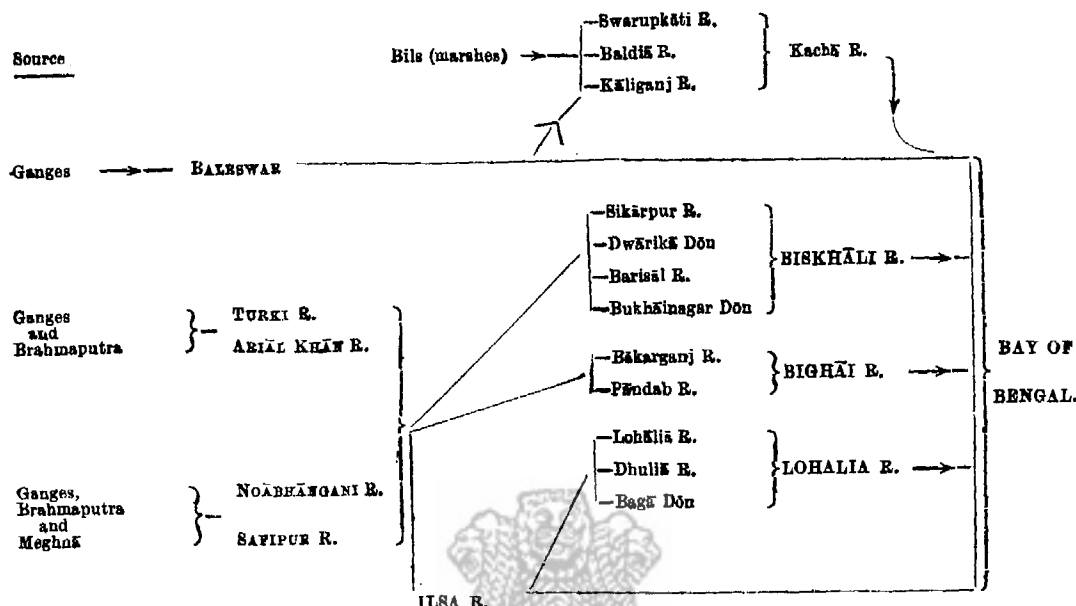
* Lyall: Principles of Geology, p. 282.

and the Pāndab rivers, which join to form the Bighāi, the Dhuliā river and the Bagā Dōn, which help to swell the Lohālīā river.

The Baleswar on the extreme west is also fed from the same source. Thus the Āmuā Dōn brings water from the Biskhālī, the Ponā Dōn and Kachā from the Barisāl river, but most of the water in the Kachā is drained from the marshes of Deulbārī Dobrā by the Kāliganj and Baldiā rivers and from the Gaurnadi marshes by the Swarupkāti river.

Diagram of the mainland river system.

7. Diagrammatically the main river system of the district can be shown thus:—*



Only the main affluents and distributaries have been shown in this diagram.

8. It should be mentioned that all these rivers are tidal; but water comes down them at all times of the year. In the flood season the water is salt only in the Baleswar, while even in the cold weather most of the rivers contain fresh water. Some idea of the size of these rivers may be obtained from the mere figures of breadth. The Baleswar has an average width of half a mile above the junction with the Kachā and of two miles below it; the Lohālīā, Bighāi and Biskhālī are all more than a mile broad; the Turki, Āriāl Khān, Noābhāngani and Safipur are each nearly a mile wide, while the Āriāl Khān after the junction of all these rivers is over 2 miles wide. None of the other rivers shown in the diagram has a less breadth than a quarter of a mile.

9. The country between these great rivers is covered with a maze of smaller rivers and petty streams intermingling in a confusion impossible to describe. Most of the larger streams are distributaries of the great rivers and most of the smaller join the distributaries together; but every depression is surrounded by a hundred water-courses which fill it or drain it at the different seasons of the year. Every homestead even is surrounded by a moat usually connected with one of the smaller streams, thus carrying on the work of distribution. It is probably impossible to walk a mile in any part of this country without meeting a stream which cannot be crossed without the help of a bridge. In many parts such streams will be met after every quarter mile. Some idea of their abundance and confusion may be obtained from an examination of two maps appended to this report,† one of which shows the streams in an ordinary village and another the streams in an ordinary section of this country.

10. By means of these streams, locally known as *khāls*, the flood water is carried to every part of the country and, as it subsides, the soil is enriched with a heavy deposit of silt. In the north of the district, and more especially in thanas Gaurnadi and Mehendiganj, the level of the country has

* A chart to illustrate the river system is appended to this report (Appendix No. 1).

† Appendices Nos. 2 and 3.

risen sufficiently to leave these water-courses dry in the cold weather; but they still fill in the rains and at the spring tides. In the southern thanas they always carry water even at low tide. Such of them as join two larger rivers, locally known as *dōns*, have a tendency to shoal in the middle as the tide flows in from both ends. This is a great obstacle to navigation and has made communication difficult in many parts of the district; but it has not yet done any harm to agriculture. In the course of time no doubt, unless these channels are artificially kept open, they will fail as distributaries and the middle country will cease to get its annual deposit of silt; but that time is not yet, nor is its appearance threatened except in the north of the district.

11. Of the total area in the mainland block of the district, 3,020 square miles, 6 per cent. or 178 square miles consists of rivers over 3 chains (66 yards) wide, while 5 per cent. or 140 square miles consists of streams less than 66 yards in width. The distribution of this river area between the different thanas is fairly uniform, only Gaurnadi and Swarupkāti suffering from the absence of

Water area and its distribution by thanas.

the larger rivers. More important than the total figures from the agricultural point of view is the extent of distribution. Roughly speaking, the distributary channels consist of the streams less than 66 yards in width, and the following table affords a useful index to the comparative distribution of silt in different parts of the district:—

THANA.	Area covered by small streams.	Proportion to land area.	THANA.	Area covered by small streams.	Proportion to land area.
<i>Sadar Subdivision.</i>			<i>Patuākhālī Subdivision.</i>		
	Acres.	Per cent.		Acres.	Per cent.
Gaurnadi ...	2,972	2·0	Bāuphal ...	2,263	2·3
Mehendiganj ...	8,007	5·1	Patuākhālī ...	7,156	4·5
Barisāl ...	2,272	2·4	Galāchīpā ...	12,680	6·4
Jhalakāti ...	4,024	4·6	Āmtali ...	28,374	9·4
Nalchhiti ...	860	1·6	Total ...	50,473	6·7
Bākarganj ...	3,451	3·8			
Total ...	21,586	3·3			
			<i>Pirozpur Subdivision.</i>		
			Swarupkāti ...	5,945	4·5
			Pirozpur ...	2,156	3·0
			Bhāndāriā ...	3,992	5·6
			Matbāriā ...	5,403	3·5
			Total ...	17,496	4·1

The table shows the extent to which the northern thanas have dried up as compared with the southern thanas. It also shows the influence of the *bils* (marshes) in increasing distributary channels, as the high figures of Swarupkāti, Bhāndāriā and Jhalakāti are due to this cause. The large proportion of small streams in Mehendiganj is due to the fact that this thana is the playground of the Āriāl Khān. The table is a very fair index to the fertility of the different thanas, when allowance is made for the comprehensive operations of the Meghnā which carries a rich deposit far into the interior of the thanas on its borders.

12. The eastern division of the district is very different from the main block on the west. Out of a total area of 1,798 square miles, 978 square miles represent the River system in the Meghnā estuary. The Ganges and Brahmaputra enter the district a few miles below their junction with the Meghnā as a single river with a width of some 10 miles. They flow as one river for a few miles when that river, opening like a fan, forms three channels with two great island wedges in between. The western channel was always the smallest and now carries little Meghnā water except in the flood season. It is known as the Ilsā or Tetuliā and divides the mainland of Bākarganj from the island of Sāhābāzpur. At the southern end of that island it opens out again and encircling the

islands of the Galāchipā archipelago on the east and joining the Sāhābāzpur channel again on the west finally reaches the Bay. The middle channel is known as the Sāhābāzpur river and flows between Sāhābāzpur and Hātiā. It has a great volume of water and a furious current and has diluviated Bholā thana for some years, sweeping away a strip of land a quarter of a mile wide each year. The western or Deulā channel swings under Noākhālī round the north end of Hātiā and reaches the Bay between that island and Sandwip, while some of its water encircles Bāmni and flows out between Sandwip and the Chittagong coast.

13. In this vast area of water the changes are rapid, larger islands being thrown up in a few years and diluviated as quickly. The depth of the estuary is ordinarily not more than a few feet, but the real channels of the rivers which are rarely half a mile wide are very deep. Vast areas which are shown as water in the maps are uncovered at low tide in the cold weather as

Nature of river action in the estuary.

far south as the island of Kukri Mukri. This condition of liquid mud remains for years, but as soon as the mud is out of water sufficiently long to allow of the growth of a rank grass, it develops quickly into land as the grass collects and holds the silt which is borne over it. The mud bank or *char*, as it is locally called, is culturable very early where not too close to the sea and bears a splendid crop of *boro* rice. Near the sea no crop can be grown until the level of the land is above the tidal level of the cold weather and even then it takes several years to wash the saline deposit out of the soil. The water is fresh however as far south as Jainagar about the centre of Sāhābāzpur. When an island has formed its level rises rapidly until the centre is usually almost as high as the level of the highest flood, thus Manpurā, Sāhābāzpur and the larger islands of the Galāchipā archipelago are better raised than the mainland of Bākarganj. As a consequence they contain few of the streams and smaller rivers of the mainland and those few are usually dry, except during the spring tides and at the height of the floods.

Absence of distributaries in the islands of the estuary.

In the island of Sāhābāzpur streams less than 66 yards in width bear a proportion of only 3 per cent. to the net land area and in the thana of Bholā alone little more than 2 per cent. The soil is therefore not so suitable for the *aman* crop, which is the main staple of the mainland.

14. With the help of Major Rennel's map and of the Revenue Survey, it is possible to reconstruct the history of the estuary and perhaps to forecast the land formations of the future. In the eighteenth century the Brahmaputra and the Ganges still occupied their old beds, the Ganges roughly what is the bed of the present Āriāl Khān and the Brahmaputra joining the Meghnā in Sylhet. As appears from Major Rennel's map, the combined waters of the Meghnā and Brahmaputra swept to the sea under Noākhālī, and it is probable in view of the old pargana history that their western bank was unbroken land from Bikrampur to Mehendiganj and from Mehendiganj to Sāhābāzpur. Flowing somewhat paralled on the other side of this shaft of land was the Ganges. The Brahmaputra and Meghnā about 1730 (A.D.) swung westward and flung out a channel which cut through this shaft of land, joined the Ganges and twisted its course from south-east to south. This change of course was accompanied by such great erosion and accretion that many miles were added to the sea coast of Noākhālī, while

History of the past movements of the Brahmaputra and Ganges.

a great part of Sāhābāzpur was destroyed. Further south the Bākarganj coast was swept away to reform rapidly as a chain of islands on the eastern side of the river. This change explains the persistence of the mainland parganas in the south of Sāhābāzpur. At the time of Major Rennel's survey, about 1770, destruction was complete, but reformation was only beginning. At the end of the eighteenth century probably as a result of the great Tistā floods in 1787, the Brahmaputra changed its course and joined the Ganges at Goālando. Somewhat later the Ganges began to forsake the Āriāl Khān bend, and in 1870 it had finally joined its waters to the Brahmaputra. These changes were felt slowly in the estuary, as a great volume of water still comes down the old Ganges bed. They have however again turned the main current eastwards so that the western channel, the

Ilsā, has begun to shoal. In the meantime however, as demonstrated by the Revenue Survey, the chain of islands on the west had joined on to Sāhābāzpur, while the great silt deposits had begun to form land rapidly to the south and east of that island. It is probable that Mehendiganj and Sāhābāzpur will soon again be joined together by a shaft

of land and that the Ariāl Khān will decline into one of the great internal rivers of Bākarganj. Whether it will still carry enough silt to consolidate the islands at its mouth into a compact block of land or to extend the southern coast of Sāhābāzpur is not so clear. On the eastern side the Sāhābāzpur channel has been destroying Sāhābāzpur and consolidating Hātīā for 15 years. As land forms off Mehendiganj, the current should set further eastwards, ceasing to vex the limits of Bākarganj and beginning an era of violent reconstruction in the estuary south of Noākhālī.*

15. The general appearance of Bākarganj is of a flat alluvial plain not diversified by a single rise of even a few feet. Appearance of the district. Were it not so monotonous, it would not be unpleasing as nature has been very bountiful. Generally speaking, the district consists of a series of small plains ringed in by a thin belt of well-grown trees. There are no village sites, as each family lives within its own holding, digging a moat round an ample piece of land and planting a garden of fruit trees to enclose the homestead. The homestead itself is a collection of mat and thatch huts on high mud plinths, all built on well-raised ground surrounding a courtyard. Near by within the moat is a muddy tank. The homestead is usually entirely concealed by trees so that at first sight it appears as if all the cultivated land was a clearing in the forest. The *kholā* (opens) in which crops are grown are always kept delightfully green by the unfailing moisture of rain and flood and the eye is never tired by the weary miles of dust which is the common habit of an upcountry landscape.

Greenness and prevalence of orchards. The homesteads cluster along the banks of the smaller streams and their gardens of the areca palm mingle with a background in which dark masses of the *gāb* and the graceful tamarind find relief in spreading clumps of the feathery bamboo. In September when the rice is young, the foliage fresh and the streams full of water and the busy ply of boats, there can be few scenes more picturesque. In January the greater rivers afford a spectacle of equal pleasure, their waters rippling in the gentle winter breeze and flashing back the brilliant winter sun, whilst here and there against the dark back-ground of the gardens on the bank great fleets of boats of many shapes swell along in stately movement under ample sails patched, particoloured and bellying in the breeze. Full of contrast and full of life and colour, there needs only the mountain-break in the monotony of the skyline to make a perfect scene.

16. The wastelands supply a contrast. Of these there are some in every thana—marsh, forest or sand and mud. The Wastelands: mud and forest. sand and mud are chiefly to be found in the Meghnā on the south, appearing as low flats of liquid mud gathering in the centre into rank grass or a low scrub. Forest covers the seaface to a considerable depth, but it is retreating rapidly before the axe of the colonist, although a few blocks are being tentatively preserved to save the supply of fuel. The undergrowth of this forest country is very thick and as a consequence the trees are poor and there is little timber of much value. To the larger rivers the forest seems an appropriate wall; but in the smaller streams its mean height and tangled undergrowth without life or light or movement join with the muddy stream and slimy banks to make a sullen scene.

A more permanent and characteristic feature of the district is the great depressions in which water permanently lodges. Marsh. These occur in every thana of the mainland, although large depressions are only found in Galāchipā, Bhāndāriā, Swarupkāti and Gaurnadi. They present a singularly desolate appearance, sometimes as a flat expanse of rank grass and at others as a dark and noisome lake.

* Some small scale maps are appended to this report, which will explain more clearly the movements described in this paragraph. *Vide* Appendix No. 4.

The level of these marshes (*bils*) is continually rising from the annual deposit of silt and their size is therefore shrinking as the edges are brought under cultivation; but the heart of the *bil* is still of considerable depth, especially in Bhāndāriā. It is not clear how these *bils* have been formed. One theory regards them as a natural phenomenon in the formation of alluvion and explains them as the country between two rivers, which have built up their own banks so as to leave no outlet for the water in the basin and to close at the same time the inrush of silt deposit when the rivers themselves are in flood. This theory does not seem to agree with the facts in the country,

Theories as to the origin of the marshes.

which has been formed by river action in modern times. Thus in the island of Sāhābāzpur and the other islands of the Meghnā estuary there are no *bils* and the whole alluvial tract is level and well raised. Moreover this theory cannot account for the discovery of tanks with concrete *ghāts* (steps) and foundations of brick houses of considerable age in the midst of the Bhāndāriā *bil*, nor for the discovery of ancient coins and a quantity of skulls in the Faridpur continuation of the Swarupkāti *bils*. Rennel's map, which shows the great Swarupkāti *bil* as an "impenetrable morass," shows no marsh at all in Bhāndāriā, but on the contrary a road running through its present position and villages prominently in the centre, while local traditions point to a time when it was under cultivation or a forest. The revenue assessed upon the pargana of Syedpur, which comprises little more than this *bil*, is inexplicably severe on any other assumption. Similarly in the Kālā Rājā *bil* of thana Galāchipā remains have been found of brick buildings and *ghāts* and tanks. All this evidence points to a period early in Swarupkāti and late in Bhāndāriā when what is now marsh was dry land. There is moreover direct evidence over the border in Faridpur from old family records that land under cultivation subsided into marsh towards the latter part of the eighteenth century. It is known that the earthquake of 1897 created *bils* in Rangpur and Mymensingh and it is possible that earthquakes were similarly responsible for the great depressions in Bākarganj. In particular, it has been suggested that the formation of the Bhāndāriā depression and the extension of the Swarupkāti depression are due to the Chittagong and Dacca earthquake of April 1762.

Employment of the land.

17. Of the total land area of Bākarganj 2,427 square miles or 70 per cent. were under cultivation in the year of survey, 415 square miles or 12 per cent. were classified as culturable, but not cultivated, and 648 square miles or 18 per cent. as unculturable:—

SUBDIVISION.	FIGURES IN SQUARE MILES.										
	Total land area.	Area cultivated.		Area culturable, but not cultivated.		Area unculturable.		Unoccupied area.		Occupied area.	
				Per cent.		Per cent.		Per cent.		Per cent.	
Sadar ...	1,008	788	78	94	9	126	13	14	1	994	99
Pāṭuākhālī ...	1,183	755	64	155	13	273	23	165	14	1,018	86
Pīrozpur ...	674	467	72	72	11	115	17	37	5	637	95
Dakshin Sāhābāzpur.	625	598	64	93	15	124	21	44	7	581	93
District total ...	3,490	...	70	...	12	...	18	260	7½	3,230	92½

18. The amount of cultivated land in the different thanas in the Sadar subdivision is very uniform, ranging between Gaurnadi with 75 per cent. and Bākarganj with 82 per cent. Patuākhālī subdivision shows the greatest contrasts. On the one hand Bāuphal (84 per cent.) and Patuākhālī (83 per cent.) are the best cultivated thanas in the district; on the other Amtali (50 per cent.) and Galāchipā (60 per cent.) have still vast areas to bring under the plough. Barahānaddin in Dakshin Sāhābāzpur is little better cultivated than Galāchipā.

Distribution.

In the other thanas the cultivated area agrees with the district average of 70 per cent., except in Pirozpur where it is as much as 83 per cent.

19. The differences are almost entirely due to sand, marsh and forest, as the analysis of the uncultivated area will show:—

SUBDIVISION.	ANALYSIS OF UNCULTIVATED AREA.													
	PERCENTAGE OF LAND AREA.													
	Culturable, but not cultivated.					Unculturable.								
	New fallow.	Old fallow.	Reeds and bamboo clumps.	Thatching grass.	Miscellaneous.	Homesteads, etc.	Tanks and moats.	Roads.	Marsh.	Char.	Forest.	Unculturable fallow.	Miscellaneous.	TOTAL.
Sader ...	2	2	2	2	2	5	3	1	1	1	...	1	1	22
Patnākhālī ...	1	4	1	1	7	3	1	1	...	3	16½	1	4	36
Pīrozpur ...	2	4	1½	1	3	4½	1½	1	4	...	1	1	4	28
Dakshin Sābā- bāzpur.	1	10	1	1	2	5	3	1	...	3	4	2	3	36
District total ...	1½	4½	1	1	4	4	2	1	1	2	4½	1	3	50

An examination of these figures in more detail discloses most forcibly how small a proportion of the land available for cultivation in any year lies fallow.

Thus bamboo clumps and thatching grass, although statistically included amongst the land not cultivated, are for all practical purposes cultivated, as both are grown deliberately on land which is quite fit for cultivation in order to provide materials for the erection of the homestead. Both bring as much or more profit per acre, if sold, as the crops which could be grown on the land. Almost the same comment applies to reeds which are valuable for matting. Reeds* are left to grow for domestic purposes on land which would give a bountiful harvest of *boro* rice.

Similarly little of the unculturable area is really unemployable. As it is necessary for the population to be housed and to have means of communication, the area shown as roads and as homestead, including tanks and ditches which in Bākarganj are an inseparable part of the homestead, cannot be included in the area available for cultivation. The miscellaneous area returned as unculturable consists chiefly of small pits and depressions.

20. Sand and morass totally unfit for cultivation occur in only a few thanas. Thus practically the whole of the *bil* area is in Bhāndāriā and Swarupkāti, where one acre in every ten is marsh, while most of the sand is found in the Galāchipā archipelago and in Barahānaddin. The whole of the forest area is to be found in Āmtali, Barahānaddin and Matbāriā. In the two latter thanas it has almost disappeared; but 27 per cent. of the area of Āmtali is still under forest and in the absence of a sufficient supply of colonists it must remain for some years yet unoccupied. The forest

Analysis and distribution of the unoccupied area.

area is really considerably greater, because for statistical purposes new cut forest was classed as culturable (miscellaneous) and clearances, which had been abandoned for lack of drinking water or owing to the depredations of wild beasts, were classed as unculturable (miscellaneous). Some 50,000 acres of the former and 25,000 of the latter were found in the seaboard thanas.

21. In order to find the true proportion of the uncultivated area to the area fit for cultivation, it is necessary to leave out of the account the unoccupied area and to exclude the area covered by human habitations and the area deliberately reserved to grow material for the erection and repair of such habitations. Thus calculated,

* The reeds which grow in the marshes are not included in these figures.

it appears that only one acre in every ten in the district, although capable of cultivation, is not cultivated. This is distributed amongst the different thanas as follows :—

<i>Sadar Subdivision.</i>			<i>Patuakhali Subdivision.</i>		
Thana—		Per cent.	Thana—		Per cent.
Gaurnadi	...	9	Patuakhali	...	7
Jhalakāti	...	6	Antali	...	10
Nalchhiti	...	8	Galāchipā	...	14
Bākarganj	...	7	Bāuphal	...	5
Barisāl	...	7			10
Mehendiganj	...	5			—
		—			10
		7			—
<i>Dakshin Sāhabāspur Subdivision.</i>			<i>Pirozpur Subdivision.</i>		
Bholā	...	8	Swarupkāti	...	11
Barahānaddin	...	23	Pirozpur	...	6
		—	Bhāndāriā	...	6
		17	Matburiā	...	10
					—
					10

The heavy percentage in the thanas on the seaface is due to the saline deposit which renders a considerable quantity of land unprofitable to crop. Altogether in every 16 acres of this uncropped area, 4 consist chiefly of patches of jungle retained by the family to provide firewood and only 12 of land previously cropped, but uncropped during the year of survey. Of this true fallow, 3 acres were land which had been cropped in the previous year and 9 acres land which had not been cropped so recently.

22. The amount of true fallow in the various thanas was fairly uniform. New fallow represented usually only 1 per cent. of the real area available for cultivation. In only four thanas was it much higher. In Nalchhiti and Mehendiganj there are scattered high lands which require some rest, while in in the north of Jhalakāti and the east of Swarupkāti there is a block of high and very infertile land which covers about 10 square miles. The old fallow

Distribution of true fallow. was also fairly well distributed at about 4 per cent. of the real area available for cultivation.

It was however very small (only 2 per cent.) in Barisāl, Mehendiganj and Bāuphal and still smaller in Jhalakāti. On the other hand saline deposit increased it to 10 per cent. in Galāchipā and to 18 per cent. in Barahānaddin. On the whole it may be said that out of every 100 acres really available for cultivation 98 are actually cropped every year in Bāuphal and Barisāl, 95 in the ordinary thana, 90 in Swarupkāti and Galāchipā and 81 in Barahānaddin.

23. These are remarkable figures, and the more remarkable when it

Comparison of the amount of fallow with that in other districts.

is remembered that rotation of crops is hardly practised in Bākarganj and the use of any form of manure is unknown. A comparison may pro-

fitably be made with the figures in other districts, of which a modern survey has been made:—

BIHAR.				EASTERN BENGAL.			
DISTRICT.	PERCENTAGE OF—			DISTRICT.	PERCENTAGE OF—		
	Net cropped area to total area.	Cultivated area to culturable area.	Twice cropped area to net cropped area.		Net cropped area to total area.	Cultivated area to culturable area.	Twice cropped area to net cropped area.
Darbhanga ...	80	92	38	Bākarganj ...	70	92	15
Muzaffarpur ...	80	92	46	Chittagong	37	70	10
Saran ...	79	90	37	Roshanābād	72	92	29
Bhagalpur ...	70	78	34	(Tippera and Noakhali)			
Champaran ...	70	80	39				
North Monghyr	69	84	38				
Purnea ...	61	67	39				

In all these districts except Chittagong manure is used and in some, such as Saran, the land is manured very heavily. In most the population is sufficiently heavy to enforce the cultivation of all culturable land without a rest, but Bakarganj differs from these in that there are areas of fertile waste land to which the population can move when the pressure on the soil in any tract becomes too severe. The Eastern Bengal districts differ from the Bihar districts in the proportion of culturable land, which is occupied as homestead. Including the tanks, which are part of the homestead, seven times as much land is thus occupied in Eastern Bengal as in Bihar. Excluding tanks, the amount is four times as great. Another feature in Eastern Bengal is the absence of land reserved for pasture. In a country which is always green pasture, though desirable, is not essential and its absence serves to reduce the amount of culturable land which is not cultivated.

24. The existence of Major Rennel's survey, the exclusion of the Sundarbans from the Permanent Settlement and the subsequent Revenue Survey make it possible to calculate with reasonable accuracy the area covered by unoccupied waste at different periods. Until the Revenue Survey there is no clue however to the progress of cultivation in the occupied area. The figures for the unoccupied area are interesting. The tracts of unoccupied waste measured* :—

	Mainland.	Meghna estuary.
At Major Rennel's survey, 1770-78 ...	1,125	Not shown.
At the Permanent Settlement, 1793 ...	925	
At the Revenue Survey, 1859-65 ...	526	102
At the District Survey, 1901-05 ...	184	76
Total land area, 1901-05 ...	2,710	780

As there was no material available to show the area covered by marsh at the Permanent Settlement, it was necessary to make a calculation based upon the Revenue Survey figures. Major Rennel's map shows clearly enough the tracts covered by "impenetrable morass," and by "woods," but he made no survey in the interior of the islands. It is known however from other sources that the smaller islands were entirely uncultivated and that piracy had reduced most of the once populous island of Sāhābāzpur to jungle. Major Rennel's map also preserves for us the information that the seaboard had previously been cultivated: "This part of the country is deserted on account of the frequent ravages of the Muggs." Colonization of this waste advanced rapidly after the British occupation and still more rapidly after the Permanent Settlement until checked by the storm-wave of 1822. It began again about 1845, but was again stopped by the wave of 1876. The havoc was repaired by the end of the nineteenth century and cultivation has now begun once more to advance. But the reduction of the unoccupied area does not measure the whole of the advance. The great rivers have made considerable additions to the land area itself. Since the Revenue Survey the increase appears to have been 180 square miles or at the rate of 4 square miles a year. Assuming that this rate obtained over the period previous to the Revenue Survey, the occupied area increased as follows:—

	Total land area in square miles.	Total occupied area in square miles.	Percentage of land area.
In 1770 ...	2,950	1,675	56
" 1793 ...	3,040	2,015	66
" 1860 ...	3,310	2,682	80
" 1905 ...	3,490	3,230	92½

The occupied area has expanded by 1,555 square miles in the whole period or at the rate of 12 square miles in each year.

25. Apart from the reclamation of waste which lay in large isolated blocks, there has been in the occupied area some extension of cultivation. There is no means of measuring the amount before the Revenue Survey, nor is it

* A map is appended which shows the situation of the unoccupied waste at the time of the District Survey.

clear upon what basis the figures of cultivation in that survey were calculated. It appears that the area covered by jungle, rivers, tanks and homesteads was measured and deducted from the total area, the "cultivated" area thus including not only fallow, but all small streams, petty depressions and inconsiderable patches of jungle within the blocks of cultivation which it was not worth while separately to measure. The cultivated area so-ascertained in each thana is tabulated* below and compared with corresponding calculations from the figures of the District Survey:—

[Figures in square miles.]

THANA.	Cultivated area at the Revenue Survey.	Corresponding area at the District Survey.	THANA.	Cultivated area at the Revenue Survey.	Corresponding area at the District Survey.
<i>Sadar Subdivision.</i>			<i>Patuakhali Subdivision.</i>		
Gaurnadi	... 202	218	Patuakhali	... 231	228
Jhalakati	... 129	122	Bauphal	... 152	142
Nalchhiti	... 79	77	Galachipa	... 232	270
Bākarganj	... 140	116	Amṭali	... 212	302
Barisal	... 149	135			
Mehendiganj	... 165	225	Subdivisional total	827	942
Subdivisional total	... 864	893	Increase in cultivation.	...	14 per cent.
Increase in cultivation	...	3½ per cent.			
<i>Dakshin Sahābdāpur Subdivision.</i>			<i>Pirozpur Subdivision.</i>		
Bhola	... 173	205	Swarupkati	... 137	163
Barabānaddin	... 201	315	Pirozpur	... 106	104
			Bhāndaria	... 88	93
Subdivisional total	... 374	520	Matbāria	... 92	205
Increase in cultivation	...	40 per cent.	Subdivisional total	423	565
			Increase in cultivation.	...	35 per cent.

The total increase in the district of "cultivation" thus defined would appear to be 432 square miles or 10 square miles a year.

Communications.

26. Detailed information about communications is hardly required as it is contained in the Gazetteer; but it will be useful to indicate to what extent agriculture and the agriculturists are served. As is natural in a district which is as rich in wide rivers deep enough for steamers as in shallow streams suitable for small boats, all transport of produce is by water. Rice and other agricultural produce is borne to the local market by the small boat, which every household keeps, whence it is conveyed by country boat to the foreign market or to a neighbouring steamer station. The import trade in manufactured goods, oil and salt is almost monopolised by the Steamer Companies, from whose stations it is distributed by retail traders in their own boats to the local markets in the interior. In the south where markets are few, peripatetic traders spend the cold weather in their boats selling or bartering their goods to the villages on the river banks. In the mainland of Bākarganj

In the absence of any detailed figures of the classification of fields in the Revenue Survey, this table can only serve as a rough approximation. Diluvion perhaps accounts for the decline in Barisal, Bākarganj and Bauphal; but such figures as those for Jhalakati, Nalchhiti and Bauphal still remain suspicious. Certainly no land has gone out of cultivation.

carts and packponies are unknown and the roads are used only by foot passengers; but in the Island of Sāhābāzpur, which is so raised that its streams are dry in the cold weather, the roads are much used for the transport of produce and there are many carts and carters driving buffalo and bullock who are engaged in the trade. The export of rice and other country produce takes place chiefly in February and March, when the large rivers are full of roomy country boats sailing in companies with the tide. At other times of the year few of these boats are seen and the betelnut and other autumn crops are moved by steamer. Of Steamer Companies, there are five which trade in the district; but the two largest, the India General and the River Steam, have a joint management. These Companies first came to Bākarganj when the northern rivers silted too much to allow steamers to reach the Brahmaputra. The Sundarban route was then opened

Excellent steamer service.

and remained for some time the only service which passed through Bākarganj. Subsequently a new route to Calcutta was opened *via* Khulnā in 1884, while Barisāl itself gradually became a steamer centre of great importance as the terminus and headquarters of branch lines from Chittagong, Noākhāli and Mādāripur besides several others in the interior of Bākarganj. Both the great routes to Calcutta enter Bākarganj from Chandpur by the Noābhāngani and proceed by the Satipur and Āriāl Khān rivers to the Barisāl river, Jhālākāti and the Rājāpur Khāl. At Kāukhāli they divide, the Sundarban steamers following the Kachā river to Tuskhāli and thence crossing over to Morrellganj in the Khulnā district, while the Khulnā steamers go north into the Madhumati. Apart from these main lines every part of Bākarganj is now well served by steamers of the joint Companies, except the extreme south towards the sea and the great *bil* area in the north-west. In addition to the joint Companies, there are three small Bengali Companies whose steamers call for cargo as they pass through Bākarganj; but they have not as yet established any regular services and they do not compete at all severely with the joint Companies.

27. It has always been a subject of hot debate in Bākarganj whether roads are worth the making. Formerly there were none in the district and in 1873, as enumerated in Hunter's Gazetteer, there were only 29 miles of road entirely in the neighbourhood of Barisāl. However during the last 20 years the District

Roads.

Board has built so persistently that there are now 387 miles of road in the district, although less than a dozen are metalled. Of these 121 miles are in the subdivision of Dakshin Sāhābāzpur where they are properly bridged and in constant use by carts. Elsewhere the roads are only used by foot passengers and the bridges over the smaller streams are rarely suitable for cart traffic. The roads themselves are usually wide enough for the use of carts and are always well raised above flood level, averaging probably 8 feet in height. Many of these roads are merely connections with steamer stations or serve similar local purposes; but there are some useful trunk roads radiating from Barisāl. The roads are much used by foot passengers, although perhaps less ambitious roads would equally serve their purpose. The trunk roads chiefly run north and south and are therefore the less useful, as this is the direction of the rivers. They are in fact alternative means of progress, less comfortable no doubt, but indispensable when the rivers are rough or the tides unsuitable. Unfortunately the District Board has not been as active in providing roads running east and west, yet there are few rivers to serve in their place and those few are always connections between two tidal rivers, which have a strong tendency to shoal in the middle. Indeed, the Amuā Don and the very useful Siālkāti Khāl have shoaled within recent times so that a long detour is necessary in a journey east and west. At present river communication is only maintained for steamers across the district by the narrow and shallow Rājāpur Khāl, which shoals rapidly and will need constant dredging, but there is an excellent alternative for boat traffic in the cut which connects Jhālākāti and Kāukhāli. Dredging is expensive work and it is doubtful if the District Board has funds sufficient to keep open the old arteries of trade. There can however be no question of their utility and, were funds available, much tedious wandering would be saved by dredging the Siālkāti and Amuā

Dons in Pirozpur subdivision and the Kukuā Don in the Patuākhāli subdivision. In default of this, trunk roads are desirable from the Baleswar to the Biskhāli and from the Biskhāli to the Tetuliā and to Patuākhāli. Such roads would be a convenience to existing populations, but a bolder programme is necessary if waste is to be rapidly reclaimed. The most successful of all the roads constructed in Bākarganj is the road from Bātājor to Āmbolā in the heart of the Gaurnadi *bils*. It was very expensive to construct and is insufficiently bridged no doubt, but it has opened up the marshes to the cultivator and the colonist and has brought many fertile acres under the plough. It has had no imitators, although the Swarupkāti and Bhāndariā *bils* give promise of a rich return, when made similarly accessible. Still more valuable would be the assistance which a more unselfish policy in road making could give to the clearings in the south. Here the rich lands attract cultivators, but not colonists. For two months a busy band heap the vast return of rice into the boats and then with bullock, buffalo and baggage abandon their fields to the birds and beasts. Occupation of so temporary a nature must be precarious and a storm wave will certainly involve desertion and relapse. At all costs cultivators should be tempted to make their homes upon their lands if the occupation is to be permanent; and of all baits the most tempting and the most likely to be successful are good roads leading straight from the heart of the forest to the markets and centres of population in the north. Half a dozen of such roads in Matbāriā and Āmtali would be an invaluable assistance to colonisation and would go far to remove the lament of the southern cultivator that the south pays the road cess, but the north gets the roads.

28. Apart from District Board roads, there are some embanked footpaths, more or less bridged, throughout the district; but the number is insufficient. Where there are no roads, the plight of a traveller in Bākarganj is unhappy. High winds rage for weeks together so that light craft cannot venture upon the big rivers; yet for a journey on foot, you must needs be at once an amphibian and a monkey, prepared at every quarter mile to wade a shallow stream or swim a deep one, to crawl up an overhanging branch on one bank and swing to its fellow on the other, to balance giddily on a bamboo bridge where a false step means a bath in oily mud and finally to reach a

wide river and to wait, it may be weary hours, until the reluctant boatman of a passing boat consents to ferry you across. For the comfort of the very old and very young and of women of all ages, nothing could be more useful than a network of embanked footpaths with simple plank bridges connecting village with village and with markets, ferries and steamer stations. Such footways cost little and are easy to construct; but as elsewhere it has been the fate of simple convenience to wait upon ambitious projects. Had thana committees spent the thana road-cess, Bākarganj would have long ago been covered with such a network of simple footways.

Population.

29. The total population of the district of Bākarganj at the 1901 census was 2,291,752 and the average density per square mile was—

In the—	Persons.
Total area	469
Area exclusive of large rivers	628
Net land area	657
Occupied area	709

Of this population 80 per cent. was directly dependent upon the land for a living.

* I adopt the 1901 census as more suitable than the 1911 census to that period of the settlement operations (1899-1904) during which the other statistics in the report were collected.

The density in the land area of each thana was as follows:—

THANA.	Persons per square miles.	Percentage of increase since 1881. Per cent.	THANA.	Persons per square mile.	Percentage of increase since 1881. Per cent.
<i>Sadar Subdivision.</i>			<i>Patuākhāli Subdivision.</i>		
Gaurnadi ...	968	30	Bāuphal ...	718	16
Mehendiganj ...	665	13	Patuakhāli ...	795	13
Barisāl ...	964	13	Galāchipā ...	292	54
Jhālakāti ...	1,253	22	Āmtali ...	264	25
Nalchhiti ...	969	1	Subdivisional total	442	22
Bākarganj ...	1,011	5			
Subdivisional total	987	16	<i>Pirozpur Subdivision.</i>		
<i>Dakshin Sāhābāzpur Subdivision.</i>			Swarupkāti ...	1,000	29
Bholā ...	674	22	Pirozpur ...	1,137	11
Barahānaddin ...	309	34	Bhāndāriā ...	922	39
Subdivisional total	432	28	Matbāriā ...	472	19
			Subdivisional total	821	24

30. The percentage of increase in the whole district was 20·6, but it was 11·4 in the decade 1881-1891 and only 6·6 in the decade 1891-1901. In the greater part of the district the increase in population is roughly of five in every thousand each year. Where it is greater, the waste available for cultivation is large. Thus the available area in the *bils* explains the large

increases in Gaurnadi, Jhālakāti, Swarupkāti and Bhāndāriā, while alluvion is responsible for the increases in Galāchipā and the Dakshin Sāhābāzpur subdivision and forest for the increases in Āmtali and Matbāriā. In most of these thanas the exceptional increase is not due to any excess of births over deaths or to immigration from outside the district; but rather to the transfer of population from thanas where there are no agricultural wastes left to conquer. Thus the vital statistics, although notoriously untrustworthy, show no differences to correspond with the census differences. In the 10 years, 1892-1901, the average reported excess of births over deaths each year was 9 per thousand in Nalchhiti, 5 in Patuākhāli, Bāuphal, Matbāriā and Bākarganj, whereas by the census none of these thanas increased their populations to any appreciable extent in the decade. On the other hand in Āmtali, Galāchipā and Barahānaddin, where the increase of population was considerable, the reported annual excess was only 3 per 1,000, although it is likely that registration was very defective. It is necessary however to distinguish. The census figures show that the decade 1881-1891 was a period of considerable progress in the district, great efforts being made to repair the ravages which the tidal wave of 1876 had made in the population of the seaboard. The decade, 1891-1901, was on the other hand a period of considerable stagnation. The prosperity of the seaboard was affected by the small storm-waves of 1893, 1895 and 1896, which were accompanied by ruinous floods of salt water, while in Matbāriā and Bāuphal a severe epidemic of fever kept down the natural increase of population. In the *bi* thanas however there was great activity which is reflected equally in the census figures and in the vital statistics; thus Swarupkāti and Gaurnadi showed an increase of 15 per cent. between the census of 1891 and the census of 1901, while the vital statistics show an average annual excess of births over deaths of the same amount. In Bhāndāriā the same phenomenon is observed—the census increase and the vital excess being equally 9 per cent. There is little migration to these thanas and it is well known that the extensive additions to cultivation in the *bils* have been made by the population surrounding them. It is equally well known

Migration from north to south
cause of differences in rate.

that the southern thanas are recruited from the central thanas of the district—Jhālakāti and Pirozpur supplying Matbāriā, Patuākhāli and Bāuphal supplying Galāchipā, Bholā supplying Barahānaddin. The natural increase in population in all these thanas probably differs little so that the

census differences really show the effect of migration. The island of Sābābāzpur is an excellent example, as Barahanaddin thana is recruited nowadays almost entirely from Bholā thana, while there is little movement of population to or from the outside. In Bholā the annual excess of births over deaths is 11 per thousand, in Barahanaddin it is reported to be only 4; so that emigration from Bholā clearly accounts for the greater increase in the population of Barahānaddin.

31. Considering however that there is so much land crying out for colonization, the development in the population is somewhat slow. There is no emigration from other districts, and what increase there is is therefore entirely due to the district. The vital statistics afford the clue. There is no lack of births, as the birth-rate is 41 per mille; but the death-rate of 34 per mille is very high. Yet the district is not generally considered unhealthy and the death-rate in the towns is only 23 per mille. Cholera takes its annual toll and bowel complaints are severe; but fever, although common no doubt in the south and west, is not of a very virulent form. Moreover the homesteads are ample and isolated and by no means very insanitary, although the drinking water is often vile. There can be no doubt that the high death-rate is principally due to the dearth of doctors. Except in the north medical attendance is difficult to procure and in the south the people perforce must doctor themselves and die of the doctoring. It is clear that the population is chiefly kept down by preventible disease and preventible deaths.

32. Immigration adds nothing to the population. Indeed the exclusiveness of the Bākarganj district is extraordinary. It sends forth no emigrants and harbours no strangers. It is true that the census of 1901 counted 60,000 immigrants in the district and 40,000 emigrants from it; but in both cases most of the migration was of agricultural labourers and very temporary, of which a sufficient proof is the proportion of women who numbered only 9,000 of the immigrants and 14,000 of the emigrants. The migration of these women is no doubt permanent, but it only proves the more the exclusiveness of

Exclusiveness of Bākarganj. Bākarganj, as for 17 out of every 23 of them Khulnā and Faridpur were the origin or the destination of their travels, and in each district the region concerned in the migration had been for a century a part of Bākarganj and still preserves all the peculiar Bākarganj tenancies in all their peculiar crookedness. It would seem that only 6,000 true foreigners have made a home in the district and no more of its own people have transferred their homes elsewhere. Of the temporary immigrants most were labourers, boatmen and traders from Dacca, Faridpur and Noakhālī.

33. To compare the population of to-day with the population at earlier periods is impossible in the absence of trustworthy figures. The estimates made by local officials in the earlier part of the nineteenth century appear on examination to be the wildest guesses, nor is this remarkable when so little of the district can have been seen by the estimator. Moreover the boundaries of the district have been often and violently changed and, even if the area covered by the estimate could be ascertained, there is no material in a mere total to enable compensations to be applied. The same criticism can as justly be applied to the estimate of the Revenue Surveyor, which was indeed based upon an enumeration of houses, but applied to the result so fallacious an estimate of the number of persons in each house that the total figures differed by as much as a million or over 140 per cent. from those of the census which took place ten years later. His figures are however very valuable in considering religion and occupation, as they can be trusted in all matters of proportional distribution. The only means of estimating the population at previous periods is to assume the continuity of the present rate of increase (10·3 per cent.). On this assumption the population of Bākarganj would have been less than a million in 1801. It seems probable that this kind of calculation represents with sufficient accuracy the population of the Sadar subdivision at that time. It is known that it was well developed and contained heavy jungle only in the Barisāl thana and the southern portion of Jhālākātī. In the other subdivisions development was

more backward. In Rennel's map a vast tract in the south of the district is entered as depopulated by the Mughls and it is known from other sources that it was only after the Permanent Settlement that this tract was again colonized. Sāhābāzpur had been the sport of Mugh and Portuguese pirates for a century and had only begun to make good their ravages. In Selimābād pargana on the west and Buzrugumedpur in the rump of the district

Estimate of the population in 1801. a host of reclamation leases were granted just before and just after the Permanent Settlement and in 1801 the population must have been very thin. Indeed apart from the north of the district population can only have been heavy in the old pargana of Chandradwip. It would seem therefore that the population of the district could not have been more than a million in 1801, distributed somewhat as follows:—

Sadar subdivision	.. 500,000	Patuākhāli subdivision	... 200,000
Dakshin Sāhābāzpur	... 75,000	Pirozpur	... 150,000

34. Since 1801 development has twice been violently arrested by a storm-wave. The thirty years from the permanent settlement in 1793 to the storm-wave of 1822 were years of great expansion centreing in Pirozpur, Patuākhāli, and Barahānaddin; but the havoc wrought by the storm-wave and the following pestilence was immense. On the seaboard, up the estuary and many miles inland the country was swept clean of cattle and inhabitants, while the salt of the sea ruined the drinking water and destroyed the fertility of the soil. The twenty years which followed the wave were spent in making good its ravages on the east of the district and it was only in Selimābād on the west, where it had caused much less damage, that expansion continued. In the period from

Subsequent development. 1845 to the next storm-wave in 1876 development again became rapid. Patuākhāli was completely opened up and the attack on the Āmtali forest was begun, the great forests in Matbāriā were cut down and Barahānaddin was colonized and broken to the plough. But again progress was completely stayed by the sea, which wrought destruction that needed the work of another twenty years to repair. The people went to work with a will, importing labour to keep the land by any means under cultivation and buying at auction in the local markets wives rushed in from Chittagong. Still it is only in the last ten years that the axe has again been laid to the root of the tree, but to such purpose that while in Āmtali the forests are rapidly retreating, reclamation in Matbāriā and Barahānaddin has at last advanced to the sea.

35. The density of the population in the district as a whole is not remarkable; but it is very unequal, very excessive in eight of the thanas, moderate in four others and light in the four on the seaboard. Roughly speaking, it is heavy in the north and sparse in the south. Jhālākātī with 1,253 persons to the square mile must be one of the most densely populated of the rural regions in the earth, as the urban population cannot be more than 4 per cent. of the whole. The population in Pirozpur is almost as dense. The figures of Mehendiganj thana are somewhat perplexing. It is in the north and it is very fertile; yet the population is thinner than in any thana of the district, except those on the seaboard. It has been the scene of most destructive river action on all sides, and perhaps this is the explanation. No other explanation at least offers itself for so curious a phenomenon.

36. The population is almost wholly rural. There are five towns whose total population is only 45,000 and even in Barisāl, which is the one town of any importance, over half of the population is interested in agriculture. Jhālākātī is purely a trading centre in which nine out of every ten inhabitants are male. Nalchhiti is also a mart, once prosperous and now decayed. The other two municipalities are merely overgrown villages with a bāzār and the couris and a sprinkling of traders and officials; and they are so far residential that they contain almost as many women as men. A stranger would not suspect either in them or in Nalchhiti that he had chanced upon a town. The towns as a whole contain 68 males and 60 Hindus in every hundred of their inhabitants. The population of Barisāl, the district headquarters, in 1901 was 18,978, of

whom 13,250 (70 per cent.) were male and 10,763 (57 per cent.) Hindu. It was not then, but has since become an important centre on the steamer routes.

37. In religion, 68 per cent. of the population is Musalmān and 31 per cent. Hindu. The Hindus are chiefly to be found in the north and the Muhammadans in the south; thus on the seaboard there is only one Hindu to every five Muhammadans and in Sāhābāzpur one to every six. On the west, in Bhāndāriā and Matbāriā, the Hindus are more numerous, but still little more than a fourth. Further north the two religions are more equal, the Hindu being half as numerous as the Musalmān in Bākarganj, Nalchhiti and Barisāl, nearly as numerous in Pirozpur and Jhālakāti and more numerous in Gaurnadi and Swarupkāti. These two thanas according to local tradition were colonized in the days when Hindus were dominant and the higher castes have still an intimate connection with Bikrampur. The large aboriginal population of Chandāls, who were found in the tract, accepted as usual a degraded place in the Hindu system. The central thanas and the south on the other hand seem even in Hindu days to have been largely converted to Muhammadanism,* and subsequently when the ruthless incursions of the Mughls chased the Hindus into the *bils* and interior of the north, their place was filled by Muhammadans. In later days Namasudras (Chandāls) have wandered south in small colonies in search of land, but few Hindus of the higher castes live even to-day in the south. Such as are found are for the most part agents of Government or the zamindars, who will thankfully depart when their work is done.

38. Mehendiganj is a curious exception to Hindu influence in the north, as the Muhammadan outnumbers the Hindu by four to one. It appears probable that formerly the Hindu was in greater force and certainly it was at one time a great stronghold of the Kayasth caste. Most of the thana has been diluviated in the last two centuries and reformed again as *chars*. The diluvion no doubt caused the Hindus to abandon their old homes, while the fear of Mugh forays may have driven them to make new homes further inland. The thana has been repopled within the last hundred years and since the Revenue Survey the large increase has been exclusively of Muhammadans. But the *chars* in the great rivers have in all districts been colonized by Muhammadans, and the *char* Muhammadan seems to be a class apart, turbulent and hardy, with whom the Hindu cannot cope.

39. As in other districts the Musalmān is increasing faster than the Hindu, but the disproportion is not very great. In the last decade the increase was 7 per cent. amongst Musalmāns and 5 per cent. amongst Hindus. At the Revenue Survey 35 per cent. of the houses in the district were inhabited by Hindus, but the statistics of that survey show that the Hindu is holding his own in the north while losing fast in the south. In the last decade the Hindu increase was greater than the Musalmān in only two thanas, in Barisāl, for which the town is responsible, and in Barahānaddin, where it appears that Hindu landlords have been introducing tenants of their own religion in large numbers from the neighbourhood of their own homes in Faridpur.

The district also contains 5,591 Christians and 7,220 Buddhists (Mughls), all or almost all of whom are dependent upon agriculture for a livelihood. The Christians are chiefly gathered in the Gaurnadi *bils* and in Bākarganj thana; the Mughls entirely in the Sundarbans on the sea-face.

40. Any detailed account or examination of the castes and their distribution in the two great religions would be out of place. Of the Muhammadans 97 in every 100 were returned as Sheikh and only one as a Saiyid or Pathan. Even these are doubtful. It is probable that the Musalmān contains a good deal of foreign blood; but the mixture with the Namasudra (Chandāl) is very old. In the days when the Afghan ruled Bengal, Arab traders from Chittagong were numerous along the sea coast, and conversions amongst "the Gentoos" were numerous. In the later times of Moghul rule the constant fighting with Mughls and

* Dr. Wise in the J. A. S. B., 1894, Part III, p. 28.

Portuguese and the known avidity of the Moghul troops for the fertile *char* lands must have left numerous colonies of Muhammadans in the district. Moreover as a result of storm waves and of Mugh forays, the south was almost abandoned and has only again been re-peopled in recent times by immigrants who were rarely Hindus and who came at first most probably from Dacca and Faridpur. No doubt a large proportion of these immigrants consisted of converted Namasudras, but the Chandāl has never been an enterprising colonist and it is doubtful if conversion to Islam can have so completely turned him into a pioneer. It seems more probable that there was also a strong foreign element amongst the colonists. The anthropometric measurements were certainly in favour of a Namasudra origin, but measurements so partial and so meagre cannot be convincing. In appearance the Musalmān of the south is different from the Namasudra. His features are sharper and his limbs better-shaped; but the distinction has been blurred no doubt by intermarriage with the converted Namasudra, which must have been old as well as constant and very frequent. In occupation the Muhammadan is almost always an agriculturist. Few are engaged in industry and still fewer in any profession. A large proportion of the weavers and fishermen in the district is however Musalmān and a lesser but still considerable proportion of traders and boatmen. There are also a few boat-builders. There are no

Preponderantly engaged in agriculture. modern statistics to support these remarks; but in the house census conducted by the Revenue Surveyors it was found that while one house in six in the whole district was inhabited by non-agriculturists, the proportion amongst Muhammadans only was one house in nine. The distribution of these non-agriculturists is informing—

In the north, one in six.

In the south, one in fourteen.

In Sāhābāzpur, one in thirty-six.

It is probable that the proportions are much the same to-day. Certainly in the south and in the islands nineteen out of twenty Muhammadans are engaged in agriculture.

41. There are only six Hindu castes which numbered 25,000 members and only eight others of any importance. Amongst these the Namasudra accounts for nearly half of the Hindu population and the three higher castes—Brahmin, Kayasth and Baidya—for nearly half of the remainder. Apart from the Namasudra the most numerous agricultural castes are the Kaibartta and Kapali and the Barua, who cultivate the betel (*pān*). Amongst the functional castes, many have turned to agriculture for a living or resort to it as a subsidiary employment. It is impossible however to say with any accuracy how they are

Hindu castes and their distribution. employed, as the census report of 1901 gives no information on the subject, except in relation to the whole province. No doubt the provincial figures form a rough index to the district proportion, but it is certain that amongst the higher castes only Kayasthas engage in agriculture and very few of them. Amongst other castes Shahas own a great deal of land and Sudras are often agriculturalists.

42. The Namasudras are generally supposed to be the Hinduised aboriginals of the Dacca Division, who were driven into the interior by successive waves of invasion. They finally took refuge in the swamps. Recent discoveries in Faridpur throw some doubt on this theory and it is possible that they were a dominant people in this country before its subsidence. In any case, it is clear that they have only come forth from the swamps in quite recent times as their colonies in the thanas on the seaface are quite modern. Considerably more than half of them inhabit the neighbourhood of the Gaurnadi-Swarup-

Namasudras and their distribution. kāti *bils* to this day. In the whole district the Namasudras form 14 per cent. of the total population and 44 per cent. of the Hindu population. They are almost entirely engaged in agriculture, but one in four only as farm-labourers or field servants. They are strongest in the Pirozpur subdivision, where they form 64 per cent. of the Hindu population, and in Gaurnadi and Jhālākāti.

43. The three higher castes form $6\frac{1}{2}$ per cent. of the total population and 20 per cent. of the Hindu population. There are a few in every thana—land agents, clerks and doctors—but their centre is in thanas Gaurnadi, Swarup-

Distribution of the higher castes. kāti and Jhālākāti, where half of them live and where they form 12 per cent. of the total population. Baidyas are chiefly confined to the medical profession, but the Brahmins and Kayasthas divide the other professions between them and own as well as manage most of the estates in the district.

44. According to the census of 1901, eight out of every ten people in the district are dependent upon the land for a living and two are non-agricultur-

Unimportance of industry. ists, of whom only one is engaged in industry. As might be expected, there is no industry which is of any importance. Weaving supports 26,000 people, fishing and the sale of fish 32,000, carpentry 14,000. There is no industry peculiar to the district which has no special art or craft. As is natural however more people are supported by boat-building than in any other district except Dacca. The centre of the industry is in Sohāgdal, thana Swarupkāti. It is not organised and the firms are small; but it is flourishing and the boats are well-built. Generally the boats built are of the *pānshi* type, small and intended for residential purposes and not for trade. It is worthy of remark that the number of mendicants is small as compared with other Bengal districts. The number of general labourers was also comparatively small and only 3 per cent. of the population was supported by general labour.

45. At the Revenue Survey 16 per cent. of the houses were occupied by non-agriculturists. It would appear therefore that the non-agricultural population, which is now about 22 per cent., is slowly growing. More than half at the Revenue Survey were Hindus and amongst the Hindus one house in every four was occupied by non-agriculturists. The distribution of this non-agricultural population at that time is interesting in that it shows how exclusively agricultural the south and the islands were. It is probable that the number of people not supported by the land has risen in these areas, but the proportions are no doubt still in the main correct. At that time one person in every five in the north of the district, one person in every twelve in the south and one person in every eighteen in Sāhābāzpur was a non-agriculturist. Amongst Hindus the proportions differed much less, in the north one in three, in the south one in eight and in Sāhābāzpur one in six.

46. The population connected with the land was thus enumerated in the Census of 1901:—

				Total.	Workers.
Rent-receivers	...	...	...	81,235	20,309
Rent-payers	...	...	...	1,708,490	497,468
Farm servants and field labourers	...	...	...	37,121	13,183
Betel-growers (<i>pān</i>)	...	...	...	8,913	2,602
Betel-sellers (chiefly <i>supāri</i>)	...	...	...	17,499	6,559
Grain-dealers	...	...	...	23,475	9,818
Rice pounders and huskers	...	...	...	15,547	8,143 (women 5,794)
Fuel and foragers	...	...	...	2,850	1,069
Wood-cutters	...	...	...	1,082	437
Dealers in timber and bamboos	...	...	...	5,624	1,308
Agents and employees of land owners	...	...	...	12,683	5,693

This is a statement of the main occupation and there is nothing in it very remarkable, except the fewness of the farm servants and field labourers and the large number of betel-sellers. In addition about 9,000 workers equivalent to a total of some 30,000 people showed agriculture as a subsidiary occupation. The most important of these were barbers, boatmen and weavers. On the other hand 36,833 of the cultivators or 8 per cent. of the rent-payers reported subsidiary occupations, of which the chief were general labour, fishing and petty trading. Domestic service is not included in these figures,

but is common amongst the children of the poorer cultivators. The figures generally show that apart from the higher castes (*bhadralok*) agriculture is the background of almost every occupation, so that only traders, potters and workers in metals appear to be entirely independent of it.

47. The number of persons returned as landlords (rent-receivers) was very large. This is not surprising, when the peculiar conditions of tenancy in Bākarganj are considered. Many cultivators sublet some of their land and many middlemen reserve some for cultivation.

Explanation of large number of rent-receivers. There must be many tenure-holders who might have been classified with equal accuracy as rent-receiver or rent-payer and no doubt considerable pressure was employed to obtain the higher status. Amongst the rent-receivers a much larger proportion of the workers—to use the curious phraseology of the census report—had subsidiary occupations. Excluding women, 22 per cent. or nearly four thousand are so recorded. The majority were employed in trades and professions of which the chief was money-lending, but had the return been truly made, the number of money-lenders would have been far larger. Shylock no doubt was ashamed of his trade.

CHAPTER II.

AGRICULTURE.*

48. Bākarganj agriculture is summed up in two words—rice and orchards.

According to the survey figures, the total area under cultivation was 1,553,376 acres, of which 89 per cent. was cropped and 11 per cent. (or 172,751 acres) covered by fruit-bearing orchards. An area of 228,571 acres was returned as bearing more than one crop, so that the gross cropped area amounted to 1,609,196 acres of which 90 per cent. produced rice.

49. The survey figures are not absolutely accurate. The crop statement was prepared in the months from January to May of each year when the only crop which the Surveyor who prepared the statement was likely to find on the ground was the *rabi* crop, which forms a very inconsiderable part of the total. The winter crop had generally been reaped before his work began, although it usually left traces of its existence, while the autumn crops were not as yet sown. It is in the autumn crops therefore of which the figures depended upon the statements of the cultivators that the statistics are least accurate. The most important of these crops is the *aus* rice and a special enquiry made with the Collector's assistance through the panchayats goes to show that the autumn rice was underestimated by about 20 per cent. The total cropped area must from the best materials available be estimated thus:—

	Acres.			
<i>Aman</i> rice	1,313,000
<i>Aus</i> rice	172,000
<i>Boro</i> rice	5,000
Other crops	160,000
Total				1,650,000
<i>Deduct</i> twice-cropped area	250,000
Net cropped area	1,400,000

* The statistics in this Chapter cover the whole district and not merely the area in respect of which the recent Records of Rights was prepared. Statistics of each thana will be found in Appendix P, Statements (i) to (iv).

50. The different crops grown in the district are shown in the following statement in which the survey figures in default of any more accurate are adopted:—

NAME OF CROP.	Area under the crop.	Percentage of net cultivated area.	NAME OF CROP.	Area under the crop	Percentage of net cultivated area.
<i>Cereals and pulses.</i>	Acres.			Acres.	
Rice ... { <i>Aman</i> ...	1,313,056	84·7	Condiments and spices	20,675	1·3
{ <i>Aus</i> ...	185,952	8·8	Sugarcane ...	11,850	·8
{ <i>Boro</i> ...	5,119	·3	Potato ...	301	...
<i>Lathyrus sativus</i> (<i>khesari</i>).	33,313	2·1	Other food crops	2,245	1½
<i>Ervum lens</i> (<i>musuri</i>)	8,738	·6			
<i>Mung</i> ...	19,284	1·2			
Gram (<i>but</i>) ...	19	...			
Other food grains ...	4,004	·3			
Total ...	1,519,475	98			
<i>Oil seeds.</i>					
Linseed (<i>tisi</i>) ...	4,474	·3	Tobacco ...	628	...
<i>Til</i> or gingelly ...	19,391	1·2	Fodder crops	49	...
Mustard and rape seeds	1,053	·1	betel (<i>pān</i>) ...	1,332	·1
Others ...	245	...	Fruit-bearing orchards and garden produce.	172,751	11·1
Total ...	25,163	1·6	Other non-food crops ...	36	...
<i>Fibres.</i>			Total ...	1,781,947	114·7
<i>Sunni</i> Hemp ...	90	...			
Jute ...	26,001	1·7			
<i>Mesthā</i> ...	1,350	·1			
Total ...	27,441	1·8			

Wheat (*gam*) and barley (*jab*) are not grown at all. Of the less grown crops, most of the *boro* rice is grown in Swarupkāti and the rest in Mehendiganj. Potato is only grown in the Sadar subdivision and almost entirely in Gaurnadi. Mustard is well distributed, but linseed is found almost entirely in the Sāhābāzpur subdivision. *Mesthā* and tobacco are confined to Gaurnadi and Mehendiganj, betel or *pān* to the Sadar subdivision (largely Gaurnadi) and to Pirozpur and Bhāndāriā.

Crop distribution.

51. The distribution of the more important crops is shown in the following table:—

SUBDIVISION.	PERCENTAGE OF NET CULTIVATED AREA COVERED BY AREA UNDER—										Percentage of gross to net cropped area.
	Rice.		<i>Khesari</i> .	<i>Musuri</i> .	<i>Mung</i> .	Condiments and spices.	Sugarcane.	<i>Til</i> .	Jute.	Fruit-bearing or- chards and garden produce.	
	<i>Aus</i> .	<i>Aman</i> .									
Sadar	78	13	4	1	..	1½	2	3	5	15	124
Pirozpur	82	6	·3	..	..	·3	·3	·7	..	15	107
Patuakhali	92	7	·7	·3	1·3	1	..	..	..	5	108
Dakshin Sahābāzpur	86	6½	4	·4	5	3	·4	·7	·3	10½	119

52. These figures show clearly that from the agricultural point of view Bākarganj has little variety. It is in fact so completely a rice swamp that it fully justifies its description as the granary of Bengal. Indeed apart from condiments and vegetables which in the absence of markets are difficult to procure it will be seen

Preponderance of rice.

that the Patutākhāli and Pirozpur subdivisions grow little else. Generally speaking, *āman* is more grown in the south and *āus* in the north, as the high tides prevent the growth of *āus* in the south by the destruction of seed beds. They have also had the same effect in Bhāndāriā on the Baleswar side and in Pirozpur, where the inrush of salt water has been very recent. Formerly *āus* was grown abundantly in both these thanas and it is probable it will grow again, when the population has learned to build low bunds to keep out the salt water. In Mehendiganj and Bholā the absence of *āus* is due to the cultivation of the areca palm and of *rabi* crops for which the soil is very suitable. Jute also has obtained a considerable footing in Mehendiganj and doubtless at the expense of autumn rice.

53. Apart from the rice crops, cultivation is very local. Thus *musuri*, *til*, jute and sugarcane are not cultivated outside the Sadar subdivision, while even within it they are almost confined to the three thanas, Barisāl, Mehendiganj and Gaurnadi, *musuri* and sugarcane being important crops in Barisāl and *til* in Mehendiganj. Swarupkāti however contains 2,000 acres under *til*. *Mung* is not grown outside Bāuphal, Galāchipā and the Sāhābāzpur island, while *khesari* is grown chiefly in Gaurnadi, Mehendiganj, Bholā and the north of Barahānaddin. Condiments are grown everywhere for local consumption, but for the market only in Mehendiganj and Bholā.

54. The small extent to which jute is grown is very remarkable. In Barisāl, Mehendiganj and Gaurnadi are 24,000 out of 26,000 acres, so that elsewhere it is hardly cultivated at all. In the south of the district this is probably due to the difficulty of getting it to market when the great rivers are turbulent and in flood, but apart from this in the lower ground salt water stands when the jute is young and kills the young plant. In addition the rice crops are so good and so profitable at the present prices that the cultivators are probably averse from an experiment in jute. In the north of the district the proportion of Hindu cultivators is greater and it is known that they dislike the crop. They are also very subservient to their Hindu landlords who use their influence to retard the growth of jute. In Bholā and Mehendiganj and elsewhere where betel gardens are large, the betel crop which is harvested at the same time of year probably occupies the cultivator's attention to the exclusion of jute. There is a general idea in the district, which is probably erroneous, that *āman* rice cannot be grown on land which has just borne a jute crop.* But even so the small amount of jute is certainly unexpected, when the profits pouring into the lap of cultivators in contiguous districts from its cultivation are considered. It should be added however that the area under jute is rapidly increasing in the north of the district.

Rainfall and floods.

55. Unlike his fellow in other parts of India, the Bākarganj cultivator is not entirely dependent upon the local rainfall for his food. The winter rice crop and the orchards need rain no doubt at the right time, but delay is not ruinous and rain is certain. There have been years when the rain came inconveniently for the winter rice, but it involved no widespread loss of crops. For the spring and autumn crops rain is much more important, but they form too small a proportion of the season's outturn to produce a famine or even a scarcity. The greatest danger the cultivator has to fear is cloudy weather just before the winter rice crop is harvested, when the *pāmari* insect multiplies and destroys the crop. In Bākarganj floods play a more important part than rain in the fortune of the crops. Floods are at once the support and the ruin of the cultivators. To be beneficial flood water should begin to cover the soil in June, should rise gradually until September and then should fall as gradually. Sudden rises when either the autumn or the winter rice is young are very disastrous, but they are not very common and if they are followed quickly by a fall are only felt severely near the Meghnā

* In the district survey however it was found that 40 per cent. of the land which had borne a jute crop was sown subsequently with a second (food) crop, almost always winter rice.

The floods are very rarely late, but sometimes subside too early, when the *aman* crop withers in the higher lands for lack of moisture.

56. Most of the water and most of the silt in the annual floods is brought by the Brahmaputra. Local rains help the floods and moisten the higher lands, but the Brahmaputra flood itself depends at first upon the melting of the snow in the hills and later upon the rainfall in the catchment area, when the monsoon breaks against the Himalayan spurs. The monsoon sends a great deal of water, but very little silt down the Meghna from Sylhet. The top of the Brahmaputra flood is over in August when the Ganges begins to rise and keeps the level of all rivers high for another month. The Ganges however does not bring so great a quantity of silt so far east and the height of the flood is apparently declining. There have occasionally been floods so high and so furious as to do vast damage to life and property on the river banks. The famous floods on the Tista in 1787, for example, created terrible havoc in Bākarganj as in other riparian districts. This disaster has not, however, been repeated.

57. These floods with their silt-laden waters penetrate by means of the innumerable creeks to all parts of the area under cultivation and cover it with a deposit so rich as to make artificial manure unnecessary. They never fail and they produce the winter rice crop, while they prepare the soil for all other crops as well. They are in fact the determining factor in the agriculture of Bākarganj. Even when too high or too sudden, they only damage the crops on the banks of the greater rivers or in the large depressions; and when too low, they only fail to penetrate to the higher lands.

58. Inundations from the Bay are another danger to cultivation in the south. These usually occur before the breaking of the monsoon or in October and November as a result of cyclones. A storm wave of great magnitude blots out all human undertakings, destroys the crops wholesale, drowns all the cattle and ruins all the fresh water. Such of the population as escapes the flood has in the past fallen a victim to the pestilence which follows in its wake. Floods of this kind occurred in June 1822 and October 1876 and converted the south of the district temporarily into a wilderness. Storm waves of lesser magnitude occur frequently; thus within the last 20 years four have occurred, but they have affected only part of the coast and have not penetrated far inland. When these lesser waves occur after the monsoon, they completely destroy the crops on the seaboard and, although they do little damage to human life, they complete the ruin of the cultivator by drowning all his cattle. When they occur before the monsoon, the damage to the crops can be repaired, as the monsoon floods gradually wash the salt out of the soil; but cultivation is greatly handicapped by the loss of cattle and great hardship is suffered by both men and cattle from the absence of fresh water, as it takes two or three years for the water to become sweet again.

59. Although not so completely a determining feature as in other districts, yet the climate and the rainfall necessarily play a great part in the agriculture of Bākarganj.

*The climate of the Bākarganj district resembles in its chief features that of the great alluvial tract of Lower Bengal, of which it forms the eastern margin. Its most striking characteristics are its dampness at all times of year and a fairly equable temperature, due in part to its maritime situation and partly to its being beyond the reach of the dry westerly winds of the Indo-Gangetic plain. The cool season lasts from about the middle of November to nearly the end of February, and is characterised by the prevalence of dry clear weather, except for a few short intervals when rain is experienced, in the earlier part, due to storms over or from the Bay, and later on to the passage eastwards of depressions of the cold-weather type. Humidity is almost as high as in the rainy season and fogs occur. Sea breezes begin to blow towards the end of February, or early in March, and gathering strength with the advance of the hot weather, result at intervals in nor'-westers, which usually come towards the evening, and are of short duration. They are on the whole most frequent in May, in which month there are on the average nine days on which rainfall occurs. The monsoon sets in about the middle of June, and precipitation is abundant during July, August and

* I am indebted to Mr. Walker of the India Meteorological Department for this information

the greater part of September. During this period rainfall is fairly continuous. The rains begin to fall off after the third week in September, and in most years come to an end a month later. The average rainfall of October and November together is less than that of May, but in certain years late falls occur owing to the influence of storms from the Bay.

60. An important feature of the climate is the comparative uniformity of the temperature throughout the year. Thus at Barisal while the mean temperature is 77°, that of May, the warmest month, is only 6° higher than the mean, and that of December and January, the coldest months, is only 12° lower. The diurnal range is as usual greatest in the dry season when it ranges from 18° in November to 23° in January and is least in the damp cloudy months from June to September, when it does not exceed 11°. The extreme temperatures hitherto recorded are 42·4° as the minimum and 101·8° as the maximum. The air is very damp throughout the year. At Barisal even in the driest months the relative humidity exceeds 60 per cent. and during the rainy season it is above 85 per cent.

61. The mean rainfall of the year in the district as a whole is 85 inches, distributed over 98 days. As might be expected, it is by no means uniformly distributed over the district. The records given below show a marked decrease from the coast into the interior :—

Average monthly and annual rainfall (in inches).

Station.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Year.
Patuakhali (south)	0·56	1·25	1·49	3·00	8·10	13·87	20·69	13·14	12·59	6·95	1·34	0·44	94·43
Bhuphal (south centre.)	0·43	0·99	1·41	2·62	9·42	15·66	13·98	13·72	13·16	3·26	0·83	0·27	90·80
Barisal (north centre.)	0·54	1·06	2·09	3·47	7·95	16·36	16·34	12·87	11·33	5·46	1·02	0·32	78·75
Gournadi (north)	0·27	1·19	2·02	3·92	7·77	13·28	13·67	12·78	8·56	4·41	1·11	0·10	69·08
Mean of district ...	0·42	1·09	1·64	3·27	8·58	17·37	17·54	16·20	11·35	6·38	1·06	0·32	85·13

In the wettest year on record, 1902, the rainfall at Barisal amounted to 120·71 inches and in the driest, 1879, to only 55·63 inches. Of the 98 rainy days 67 occur in the five monsoon months, 17 in June, 20 in July and August, 14 in September and 6 in October. From November to February there are only four rainy days, one in each month, while in March there are two, in April, four in May nine.

It should be added that the figures are for the ten years preceding the settlement operations (1892-1901). In these years the rain failed in October in 1896 and was very poor in that critical month in 1900. The X'mas rains, which are very beneficial, failed completely in 4 years out of the 10, including 1896-97 and were very poor in three more.

62. The influence of the rainfall upon agriculture can perhaps best be illustrated by some stanzas which are much in the mouth of the older cultivators, more especially in the north of the district. The full text will be found in the "Khanar Bachan" or Sayings of Khana, who was a famous Bengali Astrologer:—

1. *Jaisthe suko, āshāre dhārā,*

Sasyer bhār nā sahe dharā.

Karkate charakat, singhe sukāy,
Konyāy kāne kān,

Bine bāye barshe tulāy,
Kothāy rākhābi dhān.

If the land be dry in Jaistha and get good rain in Āshār,

Then it cannot bear the weight of the crop.

If there be flood in Srāban, which dries in Bhādra, but in Aswin water is up to the ear of paddy plants,

Then if there is rain without cyclone in Kārtik (October), where can the paddy be stored?

- | | |
|--|--|
| 2. <i>Jadi bare āgane,
Rājā jān māgane.</i> | If it rain in Agrahāyan, even the raja must go abegging. |
| <i>Jadi bare paushe,
Kari hay tushe.</i> | If it rains in Posh, paddy is so scarce that the husk fetches a price. |
| <i>Jadi bare māgher sesh,
Dhanya rājā punya des.</i> | If it rains at the end of Māgh, thanks to a pious king for a bounteous harvest. |
| <i>Jadi bare chaiter konā,
Hāliyā māgir kāne sonā.</i> | If it rains at the end of Chaitra, the cultivators' womenfolk will put gold in their ears. |

In the language of prose, the distich may be thus explained. Rain at the end of Chaitra (March) will make ploughing easy. Without it, the soil is too caked to be broken. In Jaistha (May), after the ploughing is over, extreme heat without rain is required to kill weeds. Rain in Āshār (June) is necessary for broadcast sowing or for preparing seedbeds. The flood in Srāban (July) revivifies the soil with a deposit of silt, but unless the flood goes down in Bhādra (August) transplantation to low lands is impossible; but the water must remain through Aswin (September) or the young paddy withers. In Kārtik (October) the floods subside, so rain is required to give vigour to the paddy; but strong wind or a cyclone will blow the crop down. In Agrahāyan (November) the paddy is in flower and a heavy shower will destroy the ear. Rain or rather cloudy weather in Posh (December) brings the *pāmari* insect, which makes a clean sweep of the crop, while it delays full germination. Rain at the end of Māgh (January) is valuable for *rabi* crops, but this couplet has small application for Bākarganj.

63. The critical period for the *āman* crop is December. Rain is not uncommon at that time and, if long continued or more particularly if there are days of cloudy weather, the *pāmari* insect will do immense damage, all the more bitter to the cultivator that the crop which he has lost was within a few days of harvesting. A failure of rain in Āshār (June) is very rare, but it makes a good *āus* crop impossible and delays dangerously the preparation of seedbeds for transplanted *āman*. When floods continue heavy in Bhādra (August) it is impossible to transplant to the lower lands at all.

Rice.

64. The winter rice (*āman*) crop is so universal that 95 per cent. of the cropped area is sown with it. *Boro* rice is a small crop, but *āus* or autumn rice is grown on 16 per cent. of the cropped area, usually either mixed with *āman* or preceding it. The other crops of the district are of small importance and are treated by the cultivator as catch crops for land whose main crop has already been supplied in the winter rice.

Bākarganj rice is famous in the markets of Calcutta and Bengal, where it is known as *bālām* rice from the *bālām* country boats in which it is generally moved. Only the *āman* crop is exported, as *āus* rice is coarse and is little sold. The finest rice is grown in the north of Bākarganj thana and is sold at Charamaddi *hāt* (market). The rice of Bāuphal and north Patuākhāli is also of fine quality. In the southern thanas the rice, though very plentiful, is coarse. In the Sundarbans the paddy has more stalk and less ear, but it is said that seedlings locally raised tend to correct this.

65. The soil of the district is not uniformly suitable for the growth of winter rice, although the district as a whole is a comparatively new alluvium. In the Meghnā estuary and along the banks of the Meghnā and Arial Khān, where the alluvium is more recent, the soil is a sandy loam, and clay is only found in depressions. In Mathbāriā and the western part of Amtali also the proportion of sand is large. This loam, when a new deposit, produces excellent crops of winter rice, but in the higher lands which get small or infrequent deposits the crops are poor. In the Sāhābāzpur Island generally, but more especially in the south the surface contains an excess of soluble salt which, being sometimes drawn up by capillary action in the spring, forms white patches on the surface which are visible to the naked eye. In the lower levels on the

seaface also and along the Baleswar and Kachā rivers, there is a considerable impregnation of salt from the tides which cover the land with very salt water in the spring. Such soils produce very poor crops of *āman*. In the interior of the mainland, that is, in about one-half of the district the soil is a stiff clay and an excellent soil for *āman*. The south contains less clay than the centre, but the remains of decayed vegetable matter from the forests which recently covered it make it exceedingly fertile. On the margins of the *bils* also abundant crops are grown in a soil which is a very heavy clay with a large element of decayed vegetable matter. The clay soil yields a heavy harvest when first brought under the plough; but it would be liable to rapid deterioration under successive crops of rice, were it not for the annual floods which leave a deposit of silt sufficient to repair all damage by exhaustion. It follows however that higher lands, which are more remote from the great silt-bearing rivers, suffer from exhaustion. There is a characteristic tract of such country where the thanas of Jhālakāti, Swarupkāti and Barisāl meet, which usually lies fallow, as it is too impoverished to bear a rice crop, and no attempt has been made with manure or by rotation of crops to reinvigorate it. Despite these differences in suitability practically the whole of the arable land in the district is in November one smiling field of *āman* paddy.

66. Two varieties are distinguished from the ordinary *āman*—*rājāsāl* and *āgani*. *Rājāsāl* is by far the most important rice grown in the south of the Sāhābāzpur Island and is intermediate between *āus* and *āman*. It is a transplanted crop which is grown on both highland and lowland and bears heavily. The nursery is ploughed seven or eight times without a break and is then harrowed. The seed is sown in June and kept wet, but one seedbed in every four is deeply ploughed from April and kept dry for early transplanting. *Rājāsāl* is transplanted in July to ground which has been given three or four ploughings and is harvested in October and November. The yield is usually estimated at 12 to 17 maunds of rice or in the average $22\frac{1}{2}$ maunds of paddy.

Āgani is so called because it ripens in the months of *Agrahāyan*. It grows on well raised land and is reaped in November. It is thus the earliest rice in the mainland of the district and it is chiefly used by Hindus during their *Nalānna* or the ceremony of new rice. It is coarse, but it has a sweet smell and its stubble is much liked by cattle. There is very little of it in the district and it is chiefly grown in the tracts which contain a heavy population of Hindus.

67. *Āman* is most frequently transplanted, but it can be sown broadcast with and without *āus*. These three methods are known as *roā* (transplantation), which covers at least 75 per cent. of the crop in the north and more in the south, *lām* (broadcast mixed with *āus*) and *pāyarā* (broadcast *āman* alone) which covers a very small area. Formerly in the north-west of the district, in thanas Pirozpur, Western Jhālakāti and Swarupkāti, *lām* was common and *pāyarā* very common. Now owing to the irruption of salt water *lām* has disappeared and *pāyarā* is generally giving way to *roā*. The main dates in the three methods of cultivation are:—

Method.	Ploughing.	Sowing.	Transplanting.	Reaping.
<i>Lām</i> .	February and March	(<i>dhulat</i>) April and May	.....	December.
<i>Pāyarā</i> .	March	(<i>peki</i>) June	.....	November.
<i>Roā</i> .	(nursery) April	May	} late July August and early September	December and
	(general) June onwards	...		January.

68. Four ploughings, if possible after rain in the case of *lām* and *pāyarā*, where the stiff clay is caked without water, are required for all three kinds, each followed by a harrowing; but in *roā* the later harrowings can sometimes be dispensed with, as the soil is wet and muddy. Where *āman* is transplanted to land, from which an *āus* crop has just been reaped (*āus nāri bhui*), only two ploughings are given. A pair of bullocks working from morning to noon is termed a *hāl* and for the ploughing (*chāsh*) and harrowing (*mai*) of an acre, 32 *hāls* are necessary, of which the cost would be Rs. 16 at eight annas a *hāl*. Ten years ago 3 *hāls* could be had for a rupee. In the south and generally where there is less clay

4 ploughings of 24 *hals* are sufficient. Much interchange of ploughs, cattle and labour is made amongst the poorer cultivators and it is only those with large holdings who hire their labour.

69. There are two methods of sowing—*dhulat* and *peki*. For *lām* and *pāyarā* most cultivators at first sow *dhulat*, but the seasonable rain is necessary for germination and, if this fails, recourse is had to *peki*. In a nursery *peki* seeds are always sown. In *dhulat* the seeds are sown in dust after the last ploughing and before the last harrowing. For an acre 16 *ser*s of *āman* and 24 of *āus* are necessary, which can be bought at 2 annas a *ser* of 80 tolas. If the seeds fail to germinate, an additional light ploughing and harrowing are given after the rains have begun and fresh *peki* seeds are sown on a surface which is little less than liquid mud. The quantity of seed sown depends on the lateness of the season, but is usually 12 *ser*s of *āman* and 20 of *āus*. In the *peki* system ten *ser*s of first class paddy seeds are wrapped up in a strong covering of plantain leaves and about 20 holes are made in the packet to allow a passage for water. The packet is plunged into a tank in the evening, taken out in the morning and kept in a raised place a day and a night. On the third morning the packet is again plunged into water for an hour. This process is called *bhurburi*. On the fourth morning the seeds begin to germinate. The packet is opened and the seeds poured in a vessel (*bhāngti*). On the fifth day the seeds are fit to be sown, but, if the weather is not favourable, they may be kept for 10 days. In this condition the seeds are called *kondā* and not *bij* and sowing *kondā* is known as *hāngti*.

70. In the case of *roā āman* a good soil is naturally selected for the nursery; but level is more important than soil. The soil should always be moist, and yet the land not so low that it cannot be drained after heavy rain. When it has been worked into a liquid mud, the *kondā* are sown very thick, as much as two maunds being given to the acre. *Āus* seedlings must be transplanted a month and-a-half after sowing, but *āman* remains in the nursery for three months. Ordinarily each cultivator grows his own seedlings and there is little purchase, but in the tracts which are subject to saline floods the seedlings must be purchased.

71. At the time of transplantation, the young plants are plucked by hand, four handfuls (*hātā*) go to a bundle, 80 bundles to a *pan* and 16 *pans* to a *kāhan*. In the field to which the seedlings are transplanted a small hole is made and a few seedlings together (*gachhi*) stuck into it. *Gachhis* are placed at a distance of $1\frac{1}{2}$ feet apart in the middle of the season, but two feet in the early part and one foot in the later part. At $1\frac{1}{2}$ feet apart eight *pans* of seedlings would be necessary for an acre, or the produce of 20 *ser*s of seed; but while the seeds would not cost Rs. 2-8, the seedlings could only be bought for Rs. 12 or 13. To transplant an acre requires the labour of eight days and, if hired, would cost about Rs. 5. In Patuākhalī, Galāchipā and Amtali only six *pans* of seedlings are required which are transplanted two feet apart, but the cost of labour is nearly double.

72. There are some special kinds of transplanting which should be mentioned. Land in which a crop of *āus* has just been reaped is known as *āus nāri bhui* and transplantation to this is very late. 25 per cent. more seedlings are ordinarily required but the charge for labour is rather less, as there is so late in the season a less demand.

In the *bils* of Jhālākāti thana a very early crop of transplanted rice is obtained. The seedlings are transplanted in April, only 4 *pans* of seedlings being required, half of which are *āman* and half *āus* seedlings; but they are difficult to procure and cost Rs. 2-8 a *pan*.

In the Swarupkāti *bils* the seedlings are transplanted at the ordinary time into fields which are too wet to be ploughed. They are merely cleared of reeds and rank grass. Similarly in newly-reclaimed lands in the Sundarbans no ploughing is possible, as it takes three years for the roots of the trees to decay. Here the surface is cleared and holes drilled into the ground with a pointed stick (*gāchi*) into which the seedlings are thrust.

In *pāgarā* a second transplantation is usually done from one part of the field to another to redress inequalities in growth. To provide for this, seeds are sown very thick.

73. An invitation to the neighbours to a *bhuihāri* is a popular method of finishing transplantation, when a cultivator has much land or is pressed for time. Some twenty neighbours gather under a *bayāti* and sing rustic songs of the field under his leadership whilst putting in the seedlings. They are guests and not hirelings and, as the morning gets hot, the host supplies them with *biski* in return for their labour of love. *Biski* is a succulent preparation of rice which is lightly roasted and then well mixed with a plentiful supply of molasses and the flesh of a cocoanut and boiled until the starch is got rid of.

74. Weeding is little practised in any part of the district and in the southern thanas not at all. In the northern thanas a single weeding, which occupies one man eight days at a cost of four rupees, is the rule in *lām* and *pāyārā*. In Pirozpur and Swarupkāti two weedings are given in *lām*, one a month after sowing and the other after the *āus* is reaped. It is usual also to give an extra ploughing two days after sowing to loosen the soil. When the *āus* is reaped in July and August, the *āman* is stripped of its leaves which with the stubble of the *āus* are left to rot in the field. New leaves grow very quickly.

75. Sown paddy ripens earlier than transplanted, but reaping begins with December and is over at the end of January. In all parts of the district the cultivator dislikes to reap and all who can afford hire the necessary labour, paying the labourers one-fifth to one eighth of the crop as wages. Reapers are usually foreigners and thousands come down from Dacca and Faridpur for the reaping season. In the Sāhābāzpur Island and to some extent in Galāchipā and Āmtali reapers from Noākhālī come over in large numbers. It is estimated that one-quarter of the crop in the north of the district is reaped by hired labour and one-half of it in the south. The Maghs in the Sundarbans do not reap at all themselves and they pay the best wages in the district. The foreign reapers come down by boat in parties made up in their villages and ordinarily they will not work separately. Reaping is done with the sickle everywhere and the paddy is tied up into bundles (*ātī*) of two feet diameter which are heaped into a *pālā* in the courtyard of the cultivator; but when the rent is a proportion of the produce (on the *bargā* system) the bundles are carried to the landlord's house where division is made after the paddy is threshed. If the rent on the other hand is a fixed amount of produce (on the *dhānkārāri* system), uncleaned rice is usually made over to the landlord. Only the upper half of the stick (*kutā*) which is exclusively used as fodder is taken off with the ear. The lower half (*nārā*) is often left in the fields and a substantial cultivator rather prides himself on the practice. When cut, it is used as fodder, but more often as a substitute for thatching grass. In the south of the district where it has no market and where huge stretches of the finest grass are available in the river chars and in the Sundarbans for pasturage, it is always left to rot in the fields. In the northern thanas also it is left in the field when *khesari*, as is not uncommon, is sown broadcast in paddy fields.

76. Valuable *āman* and *āman* intended for use as seed is threshed with the human foot. Otherwise threshing is done by cattle, usually muzzled and tied side by side, moving round a bamboo post in the courtyard or on a threshing floor specially prepared near by. This method of threshing is called *mei*.

77. *Āman* is usually sold by the cultivators after husking. In the unhusked form it is only sold under pressure from the landlord to pay the rent of the earlier kists or to meet the demands of a very importunate creditor. Most of the cultivators sell all they intend to sell before the end of Chaitra, but this practice is not so common in thanas where the *āman* is the sole crop and no income from the sale of the betelnut will help later in the year. In the south of the district however as much as half the rice is sold unhusked to pay the travelling money-lender and trader who times his visits to collect his dues when the harvest is just over. Much is therefore sold early and at a great sacrifice. The best of the market is lost and no opportunity is given to the cultivator to take precautions when there has been a failure of crops elsewhere or to get the advantage of the consequent high prices. Early forced sales of this

kind were the principal reason why the scarcity of 1906 was felt in this part of the district.

78. Little rice is exported from the northern thanas, but there is a brisk export trade from the centre of the district and an enormous export from the south and the Sāhābāzpur Island. The great mart for the Calcutta trade is Bagā in the Bāuphal thana. The coarser rice of Sāhābāzpur and the south goes chiefly to Dacca and other districts of the north. None of the export trade is in the hands of the people of Bākarganj although small rice merchants (*bepāris*) abound who take the rice from the local market to the great exporting centres. Formerly the rice trade was entirely moved by country boat and still only a small, though a growing, portion is moved by steamer. There is a great variety of these boats, which in their shape proclaim the parts from which they hail. In the Calcutta trade the long and low *bālām* boats of Chittagong and the high and roomy *māruā* boats of upcountry are chiefly used, whereas rice is conveyed to Western Bengal districts by the smaller Syedpur *pānshi* boats made in Jessore, to East Bengal in the low *palār* boats, to north Bengal in squat Sirājganjji boats, to Sylhet and Cachar in the rakish *chhātāk* boats. The local trade is chiefly done in *palār* boats of Dacca and the more open *uqari* and *kāthāmi* boats of Swarupkāti thana. In January and February the Bākarganj rivers are crowded with this motley fleet.

79. The chief enemies of the rice crop, apart from wind and weather, are several insects and the *baichā*, an aquatic weed of the flexuosa kind of exceedingly rank growth, which appears in the rainy season when the fields are overflowed and keeps back the growth of the paddy. Amongst insects the *mewā* or rice hispa attacks the rice plant before it flowers, when there is a scarcity of rain. It feeds upon the leaves, which die, and the plant then withers. Less destructive is the *brahmajāl*, a very small grasshopper, which also feeds upon rice leaves. Most feared of all is the *seni* or *pāmari* insect, which does immense damage to winter paddy in the cloudy weather which so often appears at Christmas, when the rice is ready or nearly ready for harvesting. It lives underground during the day time and creeping up the plant at night consumes the ear. It can strip an entire field in the course of three or four nights; but rain kills it and it does not attack wet fields, as it cannot live under water. In some parts of Bākarganj, and more especially in Barahānaddin and the Sundarbans, wild pig, deer and wild buffalo are very destructive. Field mice and rats also attack both *āus* and winter rice, especially in the Sāhābāzpur Island, where they appear in battalions.

80. To attempt any estimate of the normal outturn of the different crops is most difficult. Although crop cuttings were carried on during the settlement operations, yet they were very partial and covered so short a period that they can only be used as a check against the statements of cultivators who habitually underestimate the yield.

Estimate of yield of āman rice in average lands.

[Maunds of paddy per acre.]

Nature of crop.	IN THANAS			
	Gournadi and northern portions of Jhālākāti, Barisāl, Swarupkāti and Nalchhiti.	Pirozpur, southern portions of Jhālākāti, Barisāl, Swarupkāti, Nalchhiti and Matbāriā (W.).	Mehendiganj, Bholā, Barahānaddin, Bākarganj, Bāuphal, Bhāndāriā.	Patnākhāli, Galāchipā, Āmtali, Matbāriā (E.).
Ordinary roā ...	18	20	22½	30
Roā in āus nāri bhui... ..	8	...	10	9
Lām sown dhulat ...	12	...	}	15
Lām sown paki ...	10½	12		
Pāyarā ...	16	20	20	...

The yield of rice is 25 to 27½ maunds in every maund of paddy. The produce of an unploughed acre in the Sundarbans is 18 maunds of paddy and of an acre of the early transplanted *āman* mixed with *āus* in the Jhālākāti *ōls* about 13 maunds per acre.

This is a conservative estimate which probably gives too little credit to the fertility of the Bākarganj soil.*

81. *Āus* rice is usually mixed with *āman* and occasionally followed by it.

Cultivation of *āus* rice.

The method of cultivation of *āus*, when it is mixed with *āman*, has already been described. *Āus* sown alone is known locally as *nibār*. It is sown in April on the *dhulat* system in the north of the district in soil which has received four ploughings. Twenty seers of seed at a cost of Rs. 2-8 are sown per acre. In the south of the district the *dhulat* system is impracticable and *āus* is sometimes sown on the *peki* system (24 seers of seed per acre) when rain has made the soil a liquid mud. More often however it is transplanted in June, the seedlings costing Rs. 9 per acre and labour Rs. 8. This *āus* is reaped in August, usually by hired labour. Unmixed *āus* is also transplanted towards the end of May in Nalchhiti and Jhālākāti, especially on the left bank of the Biskhāli; but 10 *pans* of seedlings are required costing some twenty rupees and labour, if hired, costs four rupees more. Ordinarily *āus* is weeded once at a cost of Rs. 3 per acre and is reaped in August, the stubble (*nārā*) being allowed to rot in the field. After reaping, it is kept in a *pālā* for a week with the exception of some bundles retained to supply seed and so much heat is thereby produced that separation of the ear becomes easy. *Āus* is always threshed by the human foot, neither cattle nor sticks being used. Generally speaking, *āus* rice is not easy to clean. Winnowing is done by locally made *kalus* (sieves). Although considered in Faridpur a better fodder than *āman*, *āus* straw (*kuta*) is not used for any purpose in Bākarganj, as it loses its value after being half-boiled in the *pālā*. The *āus* rice is rarely sold by the cultivator and not much eaten by the middle classes; but it is valuable for the home consumption of cultivators as it comes at a lean time of the year, while the cultivator appreciates its sweet taste. It must be finished by *Paus*, as it is not easily boiled after that month. The outturn may be estimated at an average of 10 maunds of paddy per acre mixed *āus* and 14 maunds unmixed. In the south it rises as high as 18 maunds.

82. *Shātiyā* is an early rice, so-called under the impression that the crop

Cultivation of *shātiyā* rice.

remains in the field only for 60 days. In Bhola and the north it is sown in April and harvested in June. The land is ploughed and re-ploughed five or six times to obtain a fine tilth and then harrowed. Twenty-five seers of seed are sown broadcast per acre and the outturn is 8 or 10 maunds of rice. It is hoed once when the plants are 6 inches high. In the south it is grown differently, but only on raised land which is ploughed thoroughly in May and June and sown in July with 30 seers of seed costing nearly four rupees. It is harvested in September and October.

83. According to the survey figures *boro* rice is rare; but there is reason to

Boro rice.

believe that in a favourable year a good deal is sown in the *bils* of Gaurnadi and Swarupkāti and in the Meghnā chars. It is sown broadcast on land which is uncovered in April by the river or *bil* and remains a moist mud until the waters rise again. The ground is not ploughed, as it is a quaking mass of mud. This rice grows very quickly as it must be reaped in the chars before the heavy Brahmaputra flood. It is capable of growing very fast, as much as 6 inches in a day, and in the *bils* the stem is extraordinarily long, sometimes being 15 and even 20 feet. The crop is however precarious as a very sudden rise will completely destroy it. When successful, the produce is as heavy as 25 and 30 maunds to the acre.

Other Crops.

84. Other crops play so small a part in the agricultural economy of Bākarganj that a brief note on the local methods of cultivation will be sufficient. Pulses and other *rabi* crops are grown in only 60,000 acres, oil-seeds in 25,000 acres, jute in 27,000 acres and sugarcane in 12,000 acres. In all but sugarcane an *āman* crop has usually already been taken off the land.

* Thus the Special Officer making investigations in Gaurnadi in connection with the commutation appeals came to the conclusion that the produce of the *bil* country was 26 maunds and of the dry country 20 maunds per acre.

In the cultivation of jute there is nothing peculiar to the district. It is grown chiefly in Gaurnadi and Mehendiganj in land which formerly produced cotton, indigo and sugarcane. The jute grown in the district is of three kinds, *mestā*, *bagi* and *sud* or *khāch*, *bagi* in high land, *sud* in low land and *mestā* in land of average level. Ploughing for *mestā* and *bagi* begins in October or November, but for *sud* in January, when the lowlands dry up. Generally ten ploughings of 8 *hāls* each followed by ten harrowings are

given and the cost per acre at this season of the year amounts to Rs. 32. Cowdung is used as manure by a few cultivators in the fields close to their homesteads. In Gaurnadi and Mehendiganj, but not elsewhere, the land is hoed once or twice. The dates of other stages in the cultivation are as follows:—

	Seeds per acre.	Sowing.	Reaping.	Selling.	Produce per acre.
	Rs. a				Maunds
Mesta ...	15 seers worth 8 0	Early March ...	July ...	Before {	25
Bagi ...	3 " 1 0	Late April ...	September ...	Novem- {	20
Sud ...	6 " 1 4	March and April	August ...	ber {	15

Mestā seeds are imported from Faridpur and other northern districts, but *bagi* and *sud* seeds are grown locally. At the time of reaping *mestā* is uprooted, but *bagi* and *sud* are cut a little above the root. The fibre is steeped for a fortnight and is separated when loose with the fingers, as the Bākarganj cultivator has not acquired the knack of separating it by bundles. The cost of reaping, steeping and separating *mestā* is Rs. 20 per acre, whereas in *bagi* and *sud* jute it does not exceed Rs. 16, the difference being due to the *mestā*'s thorny twigs. The jute is exported to Mādāripur and Chāndpur, where the price of *bagi* is 25 per cent. higher than the price of *mestā* or *sud*.

85. The cultivation of sugarcane is dying out before the competition of imported sugar, although lack of enterprise and organisation on the one hand and the high price of jute on the other have been important factors in its disappearance. Sugarcane is locally classified into *ikri*, *nārā*, *khāgri*, *kājālī* and *bombāi*, but molasses and treacle are only prepared from the first three as

Cultivation of sugarcane.

the last two are chewed raw. In ordinary land ploughing begins in October and ends in March, during which time the ground is ploughed 15 times at a cost of about Rs. 50. After each ploughing it is harrowed with the bamboo ladder until the soil is a fine dust. Manuring with cowdung is fairly general. Saplings are obtained locally from ripe old canes in February, three or four 9 inches in length from each cane. They are thickly planted in a damp nursery generally on the bank of a tank where a shallow ditch is cut. They are covered with aquatic plants and are kept half submerged in water for some days until they germinate. The saplings are planted in rows at a distance of 3 feet in well-prepared fields ("āuker mātī phāuk mulār mātī dhulā") and after planting, the soil is often watered for a week and then the earth is loosened two or three times with a spade and finally an āil of earth is raised from parallel trenches along the rows. *Ikri* saplings are sometimes planted in November, but ordinarily sugarcane is planted in February and March. For an acre 12 *kāhans* containing 1,280 *ikri* saplings each, are required, costing Rs. 20 in November and Rs. 30 in February, or 10 *kāhans* of *nārā* saplings at a cost of Rs. 40. In working the soil after planting there is labour worth Rs. 20 per acre. The canes in a field ripen at very different dates, but most of the cane is ready for cutting in October and November. Such of it as is not then cut is left until February. Iron pans are generally in use for the extraction of *gur*, which are hired by a group of cultivators for the season from mahajans. The charge is high and no proper arrangement is made for their repair, which has contributed not a little to the discouragement of sugarcane cultivation. At one time Messrs. Renwick & Co. of Kushtīā (Nadiā) supplied pans of good quality and made arrangement for

their repair; but the company was repeatedly swindled by its local agents of the *bhadrālok* class and has abandoned the district. The charge for labour in the pressing is half the total *gur* extracted from *ikri* canes and 6 annas ($\frac{3}{4}$ ths) of the *gur* extracted from the softer *nārā* canes. The produce may be estimated at 50 maunds of *gur* in a good year and 35 maunds in an ordinary year. *Gur* is sold as soon as it is made in the local market. The price of *gur* is rising; but at the time of the settlement operations was Rs. 6 per maund. Sugarcane is a troublesome crop which requires capital, but there is considerable profit, when little of the labour is hired. As it lies on the ground 18 months and can only be followed by *dhanchā* or some other insignificant crop in the remaining six months, a bad year has a prolonged effect on the cultivator. The district contains no factory for the manufacture of sugar.

86. Of the different varieties of cane, *bombāi* is green in colour, long and fat and gives double the juice of other varieties, but it lacks saccharine and is therefore not of much value for the preparation of *gur*. *Kājali* is black in colour (*kājāl* is an ink powder) and contains less juice and more saccharine, but it splits and breaks easily so that worms and insects feed upon it.

Varieties of cane.

Both these varieties are chewed raw and most of the boys of the neighbourhood will be seen with a stick in their mouths in the season. *Nārā* cane is like *bombāi* in appearance, but shorter and thinner. Its skin is tender and its juice makes superior molasses. The jackal has a healthy appetite for it and it needs constant inspection to prevent his ravages. *Ikri* and *khāgri* are chiefly cultivated in Bākarganj, as their skins are too hard for the jackal to chew. They look more like reeds than sugarcane, hence their name. The soil on the banks of the Kālizirā river produced the sweetest *gur* from *nārā* plants; but the cultivation has much declined, partly owing to the extortionate dues of the landlords of the main market at Karāpur. Jackals and boars have also become so destructive after the disarmament of the district that *ikri* cane has been substituted for the softer *nārā*. Another famous home of sugarcane in the past was the "jabar āmal" tract round Pirozpur in the Selimābād Pargana.

87. The cultivation of *pān* or the betel leaf is very lucrative and on the increase; but it is a special crop cultivated only by Hindus of the thrifty Bārai caste and a few Namasudras. High land is selected and the soil of the garden (*baraz*) is well raised. *Pān* is chiefly planted in August and September, when no ploughing is required at all:—

"Shola chāshe mulā	16 ploughings for roots,
Tār ardek tulā	Half of them for cotton,
Tār ardek dhān	Half again for paddy,
Binā chāshe pān.	For betel none at all."

It is sometimes however planted as late as November when four ploughings are necessary. Saplings are obtained locally or grown by the cultivator. They are ordinarily planted in pairs 2 feet apart and in rows 4 feet apart and supported by four sticks of bamboo or reeds (*nal*). For an acre 10,000 saplings are required, which cost Rs. 250 in the rains, but Rs. 200 in November. In the north of the district they are also put in as plants as much as 6 feet high, which are laid along the *āil* 6 feet apart, when 2,000 are required at a cost of Rs. 150. The garden is protected from the sun and wind by walls and a roof of light fencing made of reeds and split bamboo; but the fencing is very open to allow of light and air entering freely. The garden is carefully provided with crosspaths and a fortnight after planting is finished *āils* are made round the plants from the earth between the rows. The soil is well-manured with powdered oilcake which is scattered round the root once a month. Twelve to fifteen maunds are used to the acre in the season. The price is rising rapidly, but at the time of the settlement operations oilcake sold at Rs. 2 per maund at the Nalchhiti and Jhālakāti mills. Of the oilcake made at these mills one-third is sold to the Bārais of the district and the remainder goes to the tea-planters of Assam. Only Gaurnadi *pān* is exported outside the district chiefly to Dacca and the north for which Tarki is the great mart; but there is a good deal of export

Cultivation of *pān*.

from the north to the south of the district. The cultivator sells in the local market and the produce of an acre sells at any amount between Rs. 600 and Rs. 1,200. A garden lasts on the average four years, but it may last as long as six.

88. The cultivation of the ordinary pulse and oilseed *rabi* crops is very similar. They are generally treated, except perhaps in Mehendiganj and Gaurnadi, as catch crops and little labour or attention is given to them. They are sown when the *aman* is reaped and the field is still soft, although the water has dried up. *Khesari* when sown on higher land is only sown after the land is twice ploughed; while the high land on which *musuri* is always grown is ploughed four times and well harrowed. *Mug* is sown on higher land than *khesari* which is ploughed roughly twice. Seeds are sown broadcast after a night's immersion and a morning's rinsing. The seeds are grown by the

Cultivation of *rabi* crops. cultivator or purchased locally and kept carefully mixed with tamarind seeds whose acid taste keeps insects at a distance. Cowdung manure is used to some extent especially in the cultivation of *musuri*. Harvesting is usually done by hired labour in March, the labourer getting a fourth of the *khesari* and a fifth of the *musuri*. Threshing is done with a stick on the field. The produce of *khesari* is 12 maunds in a good and 9 maunds in a normal year and of *musuri* 10 maunds in a good and 8 maunds in a normal year, but somewhat less perhaps in Bholā. The cultivator sells in the local *hāt* and retailers sell throughout the district. Most of the *khesari* and *musuri* is grown in Gaurnadi, but the best *khesari* is grown in Bākarganj Thana and the best *musuri* in Chāndpāsā (Barisāl Thana). Bākarganj *musuri* is famous for its flavour throughout Lower Bengal, but a great deal of inferior taste and flavour is imported into the district by *mārūā* boat from Patna. The chief markets for *musuri* are Tarki, Mulādi and Sarikāl. The chief market for *mug* is Kālāiyā (Bāuphal Thana), as the country round Kālāiyā grows *mug* of a very superior quality which sells at least a rupee per maund higher than any of the imported *mug*. *Dāl* is prepared by *bepāris* and oil by Kulus and *bepāris* and not by the cultivator in Bākarganj.

Vegetables.

89. Most vegetables are grown only for very local and usually home consumption. Tobacco is only grown round the homestead for home consumption. *Kachu* (arum) is probably the most important of the vegetables and it is exported to a small extent to Dacca and Faridpur. Chillies are largely grown in the Sālābāzpur Island where the sandy soil seems very favourable. They follow *aman* in well-drained high land. As soon as the paddy is cut, the land is ploughed six or eight times for fifteen days. It is then rolled, the soil pulverised and the weeds carefully picked by hand. Seedlings are either purchased or raised in October in the homestead near a cowshed. The seedlings are planted

Cultivation of chillies. in November or early December, when about 6 inches high, in rows and at a distance of 18 inches each way. The land is then hoed three or four times until the plants begin to flower. Plucking begins in February and goes on until June and is generally done by old women who get one-sixth of the crop. A field is plucked three or four times at fortnightly intervals. The chillies are then spread on mats and well-dried before being brought to market. The yield is about 8 maunds, worth Rs. 50 per acre. The chilly has a dangerous enemy in the cut-worm locally call *kātā* which lives underground and comes out at night to cut the young growth which it carries underground to feed upon. It cuts more than it eats and often causes great destruction.

90. Of *kachu* there are two varieties, *mān kachu*, which grows on raised land along the riverside and is as valuable and substantial as the potato, and *pāni kachu* which grows in the *bils* of Jhālākāti and Swarupkāti. For *mān kachu* the land is ploughed 10 times in October, Jessore seeds then being sown at a cost of Rs. 40 and an amount of 10 *kāhans*, each of 1,280 units, to the acre. The soil is subsequently three times loosened

Cultivation of *kachu*. with a spade and *āils* are then made along the rows at a cost of Rs. 20 per acre. It is reaped in September and October at a cost of Rs. 15 per acre and the produce is worth Rs. 150 in a normal year and Rs. 200 in a bumper year.

Pāni kachu is one of the main *dhāp* crops in the Jhālakāti and Swarupkāti *bils*. *Ails* some distance apart are constructed in the *bil* of decayed aquatic plants (*dhīp*). They are 3 or 4 feet wide and cost Rs. 50 to make; but, if annually repaired, last forever. Four *kāhans* of *kachu* saplings are planted in November in four rows on each *ail* at a cost of Rs. 6. No further attention is given to them until the produce is gathered in November. An acre produces to the value of Rs. 50 in a normal year and Rs. 75 in a bumper year; but gathering is laborious and costs Rs. 20 if the labour is hired.

91. The *dhāp* gardens in Jhālakāti *bil* are a peculiar and interesting form of cultivation and worth description, although they do not cover a large area. They grow fruits and vegetables throughout the year and are very profitable. The gardens are really floating masses of decayed aquatic plants heaped together and raised 3 or 4 feet out of the water in long rows with cross-rows so arranged as to form squares with a centre of marsh. Some of the vegetables, such as cucumber, require no attention after the seed is put in; but the creeping varieties known as *latā krishi* (pumpkins and gourds) need a trellis work of bamboos and reeds stretching from *kāndi* (ridge) to *kāndi* across the *bil* and, when covered with fruit hanging down over the water, they form a pleasing sight. The cost of labour is about Rs. 15 per acre and the profit on an acre is about Rs. 40 or Rs. 50. The fruits and vegetables grown on these *dhāps* are numerous, thus:—

Variety.		Amount.	Value of produce per acre.	Months in which sold.
			Rs.	
Fruits	Melon (<i>kuti</i>)	Large	65	March and April.
	Guava (<i>peyārā</i>)	Small	35	July „ August.
	Pumpkin (<i>lāu</i>)	Considerable	30	December to February.
	Gourd (<i>kumar</i>)	Ditto	30	January „ May.
Vegetables.	Brinjal (<i>begun</i>)	Small	75	December „ March.
	Radish (<i>mulā</i>)	Do.	70	Ditto and January.
	Arum (<i>kachu</i>)	Do.	65	July to October.
	Chili (<i>marich</i>)	Do.	100	January „ April.
	Cucumber (<i>sasā</i>)	Considerable	20	July „ October.
	Sugarcane (<i>ikshu</i>)	Large	100	August „ November.

92. Thatching grass, though not classed as a crop, can only be grown on light soils of a high level, so that land is reserved for the purpose and sometimes fenced in. It is a valuable crop which brings in Rs. 50 to the acre. It is chiefly grown in the north of the district and especially in Gaurnadi; but there is also a great deal of it in Gnānpārā and the interior of Mātbāriā thana.

93. Reeds are very valuable. There are two main varieties, *nal* which grows wild in the great *bils* and is the less valuable variety and *hogal* which grows in low *chars* on the banks of the great rivers and has a strong fibre.

Hogal sells at Rs 40 per acre and the *char* on which it is grown would often bear a good rice crop, but the reeds are no trouble to grow and more valuable. In the *bils* reeds are cut and sold by broken men, desperadoes and fugitives from justice, who resort there in great numbers and maintain a precarious subsistence as labourers, woodcutters and by the sale of reeds. The landlords try to lease the reeds in small blocks or to tax the cutters; but they are elusive beings and are rarely caught.

Orchards.

94. Next to the rice crop, the agricultural wealth of Bākarganj lies in its orchards. Almost every part of the district seems to grow fruit-bearing trees

of considerable variety and in great profusion. Yet the neighbouring districts have no such fortune. Chāndpur once grew the areca palm in abundance, but it has never fully recovered from a blight at the beginning of the nineteenth century. Khulna and Noākhāli have not a tithe of the orchard wealth of Bākarganj, while the great

Wealth of Bākarganj in fruit-bearing trees.

Mehendiganj gardens do not spread over the border into Faridpur where cocoanut and areca nut are curiously rare. In Dacca the cocoanut occurs, but the areca palm is not found. Some idea of the amazing orchard wealth of Bākarganj can be obtained from the number of the trees of the more important kinds which were counted during the survey:—

	Total trees.	Number per square mile of occupied land.
Areca nut	... 257 lakhs	... 8,000
Cocoanut	... 25½ "	... 800
Date palm	... 10½ "	... 330
Palmyra	... 2 "	... 60
Bamboo clumps	... 3½ "	... 100 (clumps).

It should be added that only trees capable of bearing fruit were enumerated. The counting was no doubt not very exact, as large gardens which contain 10,000 trees and more were counted by rows; but the total is an underestimate. The population generally suspected that the tree-census was the stepping stone to a tree tax and every inducement was held out to the amin to return fewer trees than were actually bearing fruit. In addition the omission of the Dakshin Sāhābāzpur estate from the survey operations precluded a count in a tract which is prolific in betelnut gardens. The figures for the Sāhābāzpur Island are clearly very erroneous. In 1911 nearly three lakhs of maunds of betelnuts were exported from the island, equivalent to the produce of 15 million trees or 12 million more than were enumerated. It is probable therefore that the number of areca trees in the district is nearer 40 millions than 25 millions.

90. The total figures do not however give any indication of the distribution of the areca nut which does not grow in the *bils* and does not suit the reclamation conditions of the south. In extent orchards cover 15 per cent. of the net cultivated area in the Sadar and Pirozpur subdivisions and more than 20 per cent. in thanas Mehendiganj and Pirozpur, whereas in Patuākhāli they cover only 5 per cent. The number of areca palms in an acre of land in each thana is as follows:—

Sadar Subdivision.	Patuākhāli Subdivision.	Pirozpur Subdivision.	Dakshin Sāhābāzpur Subdivision.
Gournadi ... 5	Patuākhāli ... 14	Swarupkāti ... 8	Bholā ... 6
Jhālakāti ... 39	Āmtali ... 1	Pirozpur ... 38	Barahānaddin ... 9
Nalchhiti ... 21	Galāchipā ... 1	Bhāndāriā ... 7	[As counted really
Bākarganj ... 27	Bāuphāl ... 9	Matbāriā ... 5	much higher.]
Barisāl ... 17	.....	.....	.....
Mehendiganj ... 30	.....	.....	.....
The Subdivision 22	The Subdivision 5	The Subdivision 12	The Subdivision 8

The density of the trees in Jhālakāti, Pirozpur and Mehendiganj is truly astonishing; but, although the figures seem otherwise, the trees are as thick in the north of Bhāndāriā and in the centre of the Sāhābāzpur Island. Five million trees were counted in the 250 square miles of land in Mehendiganj Thana, three and a half millions in the 140 square miles of Jhālakāti and nearly three millions in the 100 square miles of Pirozpur, while Bākarganj, Patuākhāli and Barahānaddin all contained over two million trees.

96. Of other trees enumerated the density in each thana to every 10 acres of land is given below:—

Thana.	Cocoanut.	Date palm.	Palmyra.	Bamboo clumps.	Thana.	Cocoanut.	Date palm.	Palmyra.	Bamboo clumps.
Gauradi ...	4	7	1	3	Patuakhali ...	19	7	2	3
Jhalakati ...	60	11	2	3	Amtali ...	2	1	2	4
Nalchhiti ...	16	11	2	3	Galachipa ...	5	1	4	2
Bakarganj ...	17	9	2	2	Lauphal ...	11	8	2	3
Barisal ...	10	8	1	3					
Mehendiganj ...	4	6	1	1	Patuakhali Sub-division.	7½	8	1	1½
Sadar Subdivision	16	8	1	2½	Swarupkati ...	20	4	1	1½
					Pirozpur ...	40	11	2	1½
Bholā ...	1	1	2	0	Bhandaria ...	10	5	1	1
Barahānaddin ...	3	2	5	5	Matbaria ...	18	6	1	1½
Dakshin Sāhābāzpur Subdivision	2½	1½	4	3½	Pirozpur Sub-division	21	6	1	1½

The absence of these trees in the Sāhābāzpur Island is somewhat remarkable. It is possible however that the ever present fear of diluvion discourages the planting of slow-growing trees. There is the same absence for perhaps the same reason in Mehendiganj, or the sandier soil may affect the growth. Jhalakāti and Pirozpur again lead the way, while

Distribution of other trees. Patuākhāli is well wooded. The palmyra is always an isolated tree and is probably grown because the Bākarganj cultivators like to see it in the landscape. The bamboo is well distributed as it is of great domestic use. A few date palms are usually grown near every cultivator's house in the mainland and are rarely found together in any numbers; cocoanut on the other hand is often planted as an avenue to the homesteads of the more prosperous cultivators.

97. The money value of the orchards of Bākarganj to the growers must be little less than a crore of rupees annually. The export value of the betelnut crop alone is 70 lakhs a year. But the value does not consist in the mere amount. The yield is constant and varies little from year to year. The fruit is sold by the cultivator in the dull season, when no other crop is on the ground and when without it he would need to go to the money-lender to buy seed for the winter rice crop. Money is in fact poured into the district at the time when the cultivator most requires it and as the fruit never fails the orchards are of exceptional value in those occasional years which have produced a lean crop of winter rice. If agriculture and the cultivator are prosperous in Bākarganj, not the least factor in their prosperity is the secure income which the district enjoys in its orchards.

98. The arecanut (*areca catechu*) grows in all soils in the district, but a high sandy soil rich in salt seems to be most suitable. The cultivation of the betel-nut. The trees (*supāri gāchh*) are grown on every homestead, although in addition there are many regular gardens, most small but some of enormous size, which are entirely devoted to the production of arecanuts. Such gardens, as is natural, are almost entirely made on lands held under a *pucca* lease, i.e., with permanent, heritable, transferable rights and usually with a rent fixed in perpetuity; but on the homesteads within holdings quite a large number of trees are often grown. Many of the substantial cultivators in every thana (except in the south) have small gardens, indeed their circumstances are prosperous largely on account of them. In addition many middlemen and *bhadralok* have formed gardens as an investment. The biggest gardens are found in Mehendiganj, of which the most famous belong to the Ulāniā Miās, and in the Sāhābāzpur Island. In the rest of the district there are few enormous gardens and most are of quite a moderate size close to the homestead. The largest nuts *supāri* grow in the Sāhābāzpur Island and the smallest in Selimābād (Pirozpur and Swarupkāti).

99. In the cultivation of the betelnut there is considerable variation in different parts of the district. The best growers are to be found in Mehendiganj and the Sāhābāz-pur Island. In Barisāl and Nalchhiti there is as much care, but less intelligence and a poorer soil. In Swarupkāti and Pirozpur the methods are primitive, but a generous soil covers the want of industry and intelligence. As for the sluggards of the south they plant in ignorance, wait in idleness and gather in abundance.

100. When a garden is made, deep ditches are cut round the boundary, the earth of which is spread evenly over the field to raise it above the high tide level. Cuttings of the *māndār* tree (*erythrina indica*) which is quick growing and deciduous are then planted at intervals of 12 feet in rows and the land thus left for three or four years so that the *māndār* leaves may rot in the soil and make it rich. In the meanwhile a nursery is prepared in a shady part of the homestead or under the *māndār* trees and ripe nuts from mature trees are sown as seed in October and November in parallel ridges a few inches apart. The seed nuts are slightly slit at the crown near the stalk and the nursery is usually covered with straw or betel leaves. The seed nuts germinate on the approach of the rains in June or July. The saplings may be transplanted in July of the following year or even in the third year, as is more usual in the west. They are planted in rows about $4\frac{1}{2}$ feet apart, which is also the distance between the saplings in the rows. Vacant places are filled up year by year as the trees die. In Mehendiganj they often transplant twice, in the second year to a shady part of the garden and a foot apart and again in the fifth year when the saplings are a foot high throughout the garden. The trees take seven or eight years to grow a sufficient height to dispense with the protection of the *māndār* tree against sun and wind. The *māndār* is then cut down and a sapling put in its place. During these years of growth the plants are occasionally covered with earth from the ditches or from trenches between the rows. In the west where the soil is stiffer the earth round the saplings is loosened in the first and second years, but never manured.

101. This is a general description. In Mehendiganj, where the best cultivation takes place, gardens are planted by regular degrees, the saplings first 12 feet, then 6 feet and finally 3 feet apart, and a couplet commonly quoted preserves the system—

Ālā, chokā, duā :

*Tobā phalē suā.**

This system is unknown in Swarupkāti and Pirozpur, where trees are indifferently planted 12 feet and 3 feet apart without row or order in the same garden at the same time. In these thanas too they often mingle plaintain, cocoanut, mango and jack fruit with the arecanuts to make a miscellaneous orchard. Other customs are more difficult to explain. Thus while in Mehendiganj the fallen leaves of all trees are left to decay in the garden, in the west they are usually cleared. In Mehendiganj a creeper (the *dhekir latā*) is sometimes planted and never removed, in the west it is pruned carefully every year. In Mehendiganj although the gardens are covered with a network of small ditches (*nālā*), yet the surrounding wall allows neither the water nor its sweepings to drain off. In Swarupkāti and Pirozpur on the other hand there is no retaining wall and the water drains rapidly from the raised land of the garden.

102. The trees first planted begin to bear from the eighth year. The flowering season is February and March and a mature tree flowers earlier than a young tree. The fruit is gathered from September to December. A tree bears well for forty years and then begins to decline, although it may live for a hundred years; but old trees are usually cut down and new plants put in their place.

103. The plucking is done by professional pluckers who are paid one-tenth of the nuts as wages. Usually very big gardens are sold by auction to the *depāris* who arrange for the plucking. The pluckers are usually boys and the plucking of a garden is

* *Suā* is a vulgar term for *supāri* (arecanut). The numerals in the first line refer to cubits of $1\frac{1}{2}$ feet.

a lively scene as the boys leap like monkeys from tree to tree or perched thirty feet in the air under the mop of the tree throw down the nuts in a bouncing stream.

Yield and sale.

104. The nuts are sold by the growers by number, but the system of counting is curious—

10 Nuts	make one Ghā.
20 (to 22) Ghās	„ „ Kuri.
5 Kuris	„ „ Shātā.
10 Shātās	„ „ Hāzār.

A *hāzār* is usually 11,000 nuts. The price per *hāzār* is very variable owing both to the season and to the quality. It has been as low as Rs. 3 and as high as Rs. 10, but in later years it averages about Rs. 7. The produce of an acre has been estimated as follows:—

Mehendiganj and Sāhābāzpur	...	...	...	10 hazars.
Pirozpur and Swarupkāti	...	...	...	8 „
Barisāl, Nalohhiti and Jhālakāti	...	...	...	6 „
Patuākhāli, Galāchipā and Āmtali	...	...	...	4 „

During the settlement operations the nuts on 248 trees in different parts of the district were counted and the average per tree worked out to 230 nuts. The nuts of Mehendiganj and Sāhābāzpur sell at a higher price than the others, as they are bigger and of a greater weight. For reasons of the same kind, the smaller nuts of Pirozpur and Swarupkāti obtain the lowest price.

105. The tree is subject to a disease of a very virulent nature which in the early part of last century completely destroyed the the magnificent gardens in the Gunanandi Pargana near Chāndpur (Tippera). The disease starts in the trunk at the top of the tree which withers at the mop and dies in a fortnight. It broke out in Bākarganj in 1894 and spread with great rapidity from garden to garden, many of which were completely destroyed. No cure was discovered, but fortunately the disease exhausted itself.

Disease.

Another enemy of the tree is the borer insect which feeds on the tender base of the central leaf. The tree dies when this stem is bitten through.

106 Betelnut is sold in several states, known as *maghāi*, *jāgā*, *tātti* and *māyā*. *Maghāi* nuts are so called because this is the form in which the Magh merchants of Burma purchase. The nuts are plucked when they begin to turn yellow. The husk is then taken off and the nuts

Different methods of sale.

steeped in water for two days in a jar. They are then placed in a cane basket and washed from time to time with water to get rid of the sap, while they are rubbed against the sides of the basket by three men with their feet until they have become almost white. If the sap is not got rid of, the heart of the nut putrefies in the course of time. Washing and rubbing, which is an amusing process to watch, take about an hour of very hard work. The nuts are then spread in the sun on mats for six days to dry after which they are ready for the market. Before the nuts are exported, the Burmese merchants, who have godowns (*chati*) in all the important markets, dry the nuts again thoroughly which may take two or three months. The Burmese favour *alwa* nuts which are washed without steeping, while *dhagi* nuts which are both steeped and washed are more popular with the Arakanese. *Jāgā* nuts, also called *dhagi*, are exported to Chittagong. They are half ripe nuts partially husked which are steeped in water in earthen jars for two or three days and then once sunned. *Tātti* nuts are the ripe fruit dried after partial husking in the sun until the husk becomes completely separated from the nut. The fully ripe nuts are usually thrown out during the preparation of *maghāi* nuts and piled up in heaps which are left for a month in the sun until thoroughly steamed. They are then spread out and dried in the sun for a month after which the seeds are separated from the husks and again exposed to the sun for a few days. They are then bagged and exported

during the rains to the markots of Bengal and Assam. *Tātti* nuts are not consumed by the Burmese.

In Pirozpur and Jhālakāti *tātti* nuts are heaped for a fortnight in the yard until the skin peels and then spread on a mat to dry. A few days before export they are immersed in water for a day and a night in big earthen vessels after which they are carefully husked with the *bāthi-dāo* and properly dried.

Mājā nuts are ripe nuts which are kept in a jar in water which is occasionally changed. These nuts are not prepared for the market, but for old men and other toothless people who find *tātti* nuts too hard for them.

107. All nuts except the *mājā* variety are prepared for the market by *bepāris* and not by the cultivator. The *bepāris* are local men and chiefly Muhammadan. *Bepāris* wash and dry the nuts themselves, but the husking is done on contract. Men and women are employed on the work which is done with a *bāthi*, a large knife fixed to a broad handle. The rate is Re. 1·8 a maund and the average earnings

of an adult 6 annas a day. The *bepāris* sell to the wholesale merchants through *ārātdārs*, who get four annas a maund, two from the buyers and two from the sellers. These *ārātdārs* are Muhammadans, except in Nalchhiti where they are Hindus of the trading castes. The market which finances the trade is very weak. The only moneyed men engaged in it are the Burmese merchants who have been swindled too often to make large or long advances to the small dealers. The *bepāri* has rarely any capital and his trade is quite unorganised, while sufficiently easy to attract a host of needy middlemen.

108. Dealers sell the nuts to the wholesale merchant by weight and not by number. A *hāsār* of green nuts is popularly supposed to weigh a maund of commercial nuts (*i.e.*, nuts husked and dried). The maund used in the

betelnut market is however 103 per cent. of the standard maund. As a result of some experimental counting, it appears that 10 *hāsārs* actually

weigh 11 commercial maunds, while *tātti* nuts weigh at least 10 per cent. more than *maghāi* nuts. From the accounts of dealers at Nalchhiti, the biggest market in the district, it appears that the average price of *maghāi* nuts for the period 1900-1912 was Rs. 9 per maund and of *tātti* nuts Rs. 8 per maund. It is understood that the retail price in the Calcutta market is about Rs. 15 per maund.

109. From figures gathered in 1911, the principal markets and the volume of trade passing through them were :—

NAME OF MARKET.	Thana.	QUANTITY OF NUTS EXPORTED (IN MAUNDS) —		
		By steamer.	By country boat.	Total.
Nalchhiti ...	Nalchhiti ...	157,800	30,000	187,800
Pātar Hāt ...	Mehendiganj	84,000	20,000	104,000
Sukdeb ...	} Bholā ... {	68,600	20,000	88,600
Āmāni ...		80,100	10,000	90,100
Bholā ...		60,500	40,000	100,500
Gāluā ...	Jhālakāti ...	...	100,000	100,000
Bhāndāriā ...	Bhāndāriā ...	43,200	40,000	83,200
Smaller markets ...	.....	25,800	20,000	45,800
Total ...	.....	520,000	280,000	800,000

Sukdeb and Āmāni have taken the place of the famous old mart of

Daulatkhān since its diluvion. Burmese and

Export.

Chinese merchants have trade connections and warehouses in all these markets and also in Kāliganj in thana Bākarganj. The trade begins in October and ends in March. *Maghāi* nuts are exported to Calcutta and to Rangoon *via* Calcutta by steamer. Only the overflow is carried by country boat, when the pressure of the jute traffic is heavy. *Tātti* nuts are largely exported to Calcutta, but also to many of the larger markets

in Bengal and Assam, the chief of which are Narayanganj Chāndpur, Bhairab, Saidpur and Gauhati. *Tātti* nuts, especially those intended for inland markets, are chiefly exported by boat. These boats are different from the boats employed in the rice trade and are built in Sāhābāzpur (*khos* boats) and in Jhālākāti, although from Gāluā *bālam* boats of Chittagong are largely used. The dealers in *maghāi* nuts are all Burmese and Chinese with the exception of a Muhamadan firm of Chittagong, which is the only firm which buys green nuts at Sukdeb and Āmāni. The dealers in *tātti* nuts are chiefly Hindu merchants of Dacca and Sylhet.

110. The inner layer (*khui*) of the bark of the arecanut is thin and membranous and can be separated easily from the sheath.

Bye-products: *khui*

It is collected by women and children from fallen leaves and sold to small dealers on market days at an anna or two per seer. The dealers sell it to Burmese merchants who export it to be used as a wrapper for cheroots to which it is said to give a delicate flavour.

The wood of the betel tree is a good substitute for bamboo and is used for building purposes. It sells about six annas a trunk. The leaves are used as fuel and a small garden will supply all the needs of a household. The husks of the nut too have their use. They are burnt and mixed with *gāb* juice to make a gum, which is smeared on the hulls of boats to prevent leaking.

111. The cocoanut (*cocos nucifera*), locally known as *dāb*, is grown on almost all soils, but it thrives best on the *gābā* soil on the margin of *bils* which retains moisture very well in its vegetable matter. It thrives well enough on loamy soil, although it does not bear so heavily or so early. The cocoanut, as in Madras, appears to like the salt air of the sea and perhaps an impregnation of salt in the soil. The nuts of Thanas Jhālākāti and Swarupkāti are generally supposed to be the best in the district, although the fruit of Barisāl, Nalchhiti and Bākarganj nuts is reported sweetest in flavour.

The cocoanut.

Varieties.

are three varieties of cocoanuts found in the district, *dhātu*, *dadhā* and *sammāni*. The husk of the *dhātu* is sweet when the nut is immature and is given to invalids suffering from excessive thirst. The kernel of the *dadhā* is so soft as to mix with the milk and to curdle it, if briskly shaken. Of the *sammāni* there are two kinds, the *raktiā* which is blood-coloured when young and the *dadhā* which is white in colour when young.

113. Scattered cocoanut trees are grown near every homestead and on the banks of most tanks, where the soil needs no preparation. Gardens are commonest in the centre of the district and especially in Jhālākāti, Swarupkāti and Pirozpur, but they are not very large and never rival the betel gardens in extent. In Sāhābāzpur the cocoanut is seldom grown alone or in gardens, but usually at intervals of 12 or 15 feet round the edge of a betelnut plantation so that the trees may serve the office of a wall against the envy of the high winds, which so frequently rap in the island.

Situation and size.

11. Where it is intended to make a regular garden or plantation, a trench is cut along the boundaries of the land and inside are dug parallel trenches sixteen feet apart, two to three feet in depth and four to six feet in breadth. Trenching is a costly business which may require as much as Rs. 400 an acre. The height of the ridges is such as to raise them above the tidal level. Saplings are usually purchased from *bepāris* who rear them on a large scale. Cocoanuts from mature and often very old trees which ripen in April are selected and especially those with straight sprouts. The nuts are then arranged side by side in an open yard. When the shoots have grown $1\frac{1}{2}$ feet long they are ready for the market. Sometimes two-year old shoots are also sold, but it is doubtful if the tree which is grown from these is so strong. The price of a shoot six months old is two annas, but of a shoot two years old eight annas. Where there are *bils*, the nuts are thrust half in and half out into the *dhāps* of decayed aquatic matter in September and begin to germinate in November.

Preparation of a cocoanut garden.

A year before planting the shoots *māndār* cuttings are sometimes planted on the ridges as in the case of the betelnut to protect the shoots from the sun and to enrich the soil. In the gardens of the west of the district this shade is always provided, but plantains are sometimes used in place of *māndār*. Holes are then dug in the ridges in July, 12 to 20 feet apart, in which the cocoanut shoots are fixed in an erect position. In the west of the district the ridges are often as wide as a road and then the saplings are planted along each edge. Saplings are planted to the number of 80 in an acre and cost about Rs. 10. A small part of the nut is kept above ground. Occasionally half a seer of salt is spread in the bed of the hole to quicken the growth, while a portion of the hole near the surface is kept open, apparently to prevent the roots from getting to the surface and retarding the growth of the plant. Where *māndār* cuttings are planted, the cocoanut shoots are tied to the cuttings to keep them erect and straight. When the plants grow about three feet high, the *māndār* is cut down and earth from the bed of a dried-up tank or ditch is spread round the base of the tree as manure. In the west of the district the earth is often loosened in October every year and manured with cowdung.

115. Generally the tree begins to bear nuts from the eighth year, but in *bil* land it will bear from the sixth year or even earlier. In the raised lands of Nalchhiti and Barisāl it may not give fruit until the tenth or twelfth year. It flowers in November and again in April and the fruit matures in six months. In the mainland however nuts ripen in every month although the regular plucking season begins in May and ends in September with the busiest

Life of the tree and average yield.

months in July and August. The tree bears well until its thirtieth year when its bearing capacity begins to fail. It will survive as long as a hundred years, but when very old bears hardly any fruit. The trees of Barisāl, Nalchhiti and Bākarganj seem to preserve a vigorous life much longer than those in the rest of the district. It is very difficult to calculate the amount of the fruit. Trees near the homestead bear wonderfully and for a long time. Some trees are worth ten rupees a year, but the tree in an ordinary garden probably does not average more than 32 nuts, selling at a rupee and perhaps 50 nuts in the *bil* country. Trees in or on the edge of rice fields have a very poor crop.

116. When the plant is young it requires careful watching as white ants may completely destroy it. In later life the borer (*oryctes rhinoceros*) inflicts great damage by boring through the leaves and, unless it is got rid of, it may cut off the central leaf and kill the tree. It must be picked by hand when the head of the tree is cleaned, or if difficult to get at, molasses or the scale of shrimps or putrid fish may be placed on the top of the tree near the place where the insect is supposed to live. The smell will attract ants, which kill the insect. The *rhynchophorus ferrugineus* also may damage the tree by boring through the trunk, but it is not so dangerous.

Tree pests.

117. The nuts of a garden are gathered by professional pickers who jump from tree to tree. At the time of gathering the mop of the tree is pruned of old and dry leaves, dead spikes and leaf sheath, a process which is known as *gāchh bāchhāni*.

Plucking.

118. The fibre of the cocoanut is sometimes exported, but it is usually kept for fuel. It is not utilized for rope making. Commercial uses of the cocoanut. The timber is used to make door-sills or as beams for thatched huts. The nut sometimes is made into a *hookah* and the—stalk of the leaf is made into a broom. There is a small oil-engine in Bholā for the manufacture of cocoanut oil, but the owner makes no attempt to utilize the bye-products. Local oil pressers prepare oil everywhere and sell it at 8 annas a *scr*.

119. The sale price of cocoanuts fluctuates between twelve and twenty pairs per rupee. It may be taken as averaging an anna a pair. The value of a garden is therefore difficult to calculate, but it seems to average about Rs. 60 per acre in Jhālākāti and Swarupkāti, about Rs. 50 in Pirozpur, Bākarganj and the southern thanas and about Rs. 40 elsewhere. About 80 per cent.

Sale.

of the cocoanuts in the west of the district (Thanas Swarupkāti and Jhālakāti) are exported, but elsewhere the export is not so heavy. They are carried by country boat unhusked and by steamer husked to Chittagong and Sylhet, to Dacca and North Bengal and to Calcutta.

120. There are no orchards of date-palms in the district, although the trees are numerous. They are planted without any attempt at arrangement on the *āils* of fields or on the edges of roads and avenues. The tree grows better on raised land, as on low lands there is less juice and the juice contains less sugar. The date-palm is commoner and gives a better juice in the north of the district and especially in Gaurnadi. The shorter the cold season, the less and the worse the juice and cloudy nights in the cold season are very unfavourable. Date-palms accordingly are not very successful in the south of the district.

121. The tree is allowed to grow for some years until the trunk has a circumference of $1\frac{1}{2}$ -feet. At this time it still rises an insignificant height out of the ground. In October or November the bark is removed in a band round the top and again a foot lower down. A fortnight later a deeper layer of the bark is stripped (*pār dewā*) and after another week a V-shaped incision (*rekh*) is made, half an inch in depth, and a split bamboo (*khl*), 4 inches long, is fixed therein to carry off the juice into an earthen pot tied to the trunk. The bark is then lightly stripped in the evening and the tree allowed to bleed for three nights consecutively (*pālā*) with intervals of three nights' rest. The tapper (*sujālī*) gets the entire juice of the first *pālā* and half the juice of subsequent *pālās* for his labour. The juice is usually sold as juice for the preparation of sweetmeats (*pithā*), that of the first night in a *pālā*, which is sweeter, being bought up by the *bhadralok*. A maund of juice is sold for ten annas, whereas the two *sers* of molasses which it produces are sold at not more than eight annas. *Tārī* is not prepared by the people of Bākarganj.

122. Bākarganj is not a great bamboo-growing district. The bamboos are neither tall nor strong and they are usually grown in a single clump for domestic use. They are sold at five annas a bamboo. Unlike Northern Bengal bamboos are usually grown close to the homestead. The cultivators have a saying that "nothing grows within a hundred yards of a bamboo clump," which hardly seems to be borne out by the facts. A bamboo clump is of great use to the cultivator both in house-building and in raising small sums of money when no crops are available to sell.

123. Of the trees which were not enumerated during the survey, although they grow in some abundance, the commonest are the plantain, the mango and the jack-fruit amongst fruit-bearing trees. Most cultivators with a homestead of any pretensions grow one or two mango and jack-fruit trees and a small patch of plantains. In the district there must be a million plantain trees and more. They are often grown round the boundary of orchards and homesteads, while in the treeless stretches which have lately been reclaimed from forest in the south a flapping line of plantains against the skyline proclaims the fact that the cultivator has determined to desert his old homestead in the north and to convert his temporary lodging in the south into a permanent home. Plantains are put in at all times of the year, except in the height of the rains :—

" Dhāra srāban

Deki kay Rāban

Kolā kachu robānā

Robāt khābanā

Amār dosh debānā."

(Raban says there will be no fruit from plantain and *kachu* planted in the rainy days of Srāban.)

The mango does not do well in Bākarganj. It is small and not very sweet, while worms and disease carry off a great deal of fruit. Many homesteads however have two or three trees and local mangoes are often to be bought in local *hāts*. The jack-fruit is a very popular fruit with the cultivator, although coarse and rather bitter in its flavour. As in the case of the mango one or two trees are found in many homesteads.

CHAPTER III.

LAND TENURE.

124. The district of Bākarganj is notorious as the home of the most tortuous and intricate system of land-tenure in the world. To give a lucid description of that system is no easy task. Tables of statistics can no doubt be provided, but they are meaningless without the key of understanding; and understanding is to be acquired only by a patient investigation of the effect and growth of many diverse influences which have combined to produce so complicated a result. In the preparation of the record-of-rights it was found that the system was too complicated for the people who lived under it. Those who owned land very often did not know what land it was they owned and those who cultivated very often did not know the title or estate of their landlords. The settlement camps were indeed regarded somewhat as lost property offices. Landlords came to find their lands and tenants came to find their landlords. Few were the days without their humorous surprise, when some tenureholder found that he had spent a lifetime paying rent for nothing, as all the lands of his village had been brought into the account and his tenure had no place amongst them, or when some landlord who had believed that the land of a tenant lay in one village discovered that all the while it had been in another village far away.

125. To explain the case by comparison, it may be said that while in an average Bihar village of 100 acres, 84 acres will be occupied by raiyats and 13 acres by proprietors and rent-free holders, leaving only 3 acres to be held by intermediate tenureholders, in a Bākarganj village of the same size 64 acres will be occupied by raiyats and under-raiyats, 9 acres by the proprietor and 27 acres by intermediate tenure-holders. Of the 64 acres occupied by raiyats only 15 will be held directly of the proprietor and 49 will be held of intermediate tenure-holders. As an illustration of the multitude of these tenures, it may be added that in one zamindari alone—Salimābād—with an area which is but a tenth part of the area of Darbhanga district, there were found ten times as many intermediate tenures as in the whole of the Darbhanga district.

126. It is not however only the mere multitude of intermediate interests which makes Bākarganj land tenure peculiar, but the extent which in layer after layer they divide the cultivator from the proprietor. In every piece of land at the top is the proprietor paying revenue to Government and at the bottom is the cultivator who tills the soil; but in Bākarganj between the two there are normally eight, often twelve and occasionally twenty grades of intermediate holders, each holding a separate and definite sublease of the land from the next higher in the scale. From the point of view of the cultivator his landlords form a ladder of which each rung is occupied by a tenure-holder and the topmost by the proprietor. Viewing the village or estate as a whole however the interests in land spread out like a fan, the holders in each grade dividing their tenancies amongst a more numerous body of sub-lessees until the cultivators who are the ultimate sub-lessees form the most numerous body of all.

127. A Bākarganj "tenure" is not always either in origin or in fact an intermediate interest in the land. The Bākarganj system, which grew up before any law was passed on the subject of landlord and tenant, recognized two classes of tenants the distinction between whom turned upon the rights with which they were by contract and custom endowed.

The Bengal Tenancy Act of 1885 also recognized two main classes of tenants, but the distinction between them turned upon the purpose for which they acquired the land. Before describing in detail the Bākārganj system of land tenure, it is desirable to make clear the difference between those distinctions and the meaning to be attached to the word "tenure-holder" in the Bākarganj system.

128. The indigenous names for the two classes of tenants evolved in Bākarganj were *hakiatdār* and *karsādār* and the rights possessed by the two classes were definite and different. The *hakiat* (or *milkiat*) was always a permanent, heritable and transferable interest in land and the *hakiatdār* had in practice unlimited control over his land provided that he paid the stipulated rent, which was ordinarily a rent or a rate fixed in perpetuity. The *karsā* on the other hand was little more than a permission to cultivate and the *karsādār* little more than a tenant-at-will. In practice he may have been rarely disturbed, but in theory his occupation of the land as well as the amount of his rent depended upon the wishes of his *hakiatdār* landlord. In the latter half of the nineteenth century the position of the *karsādār* became no doubt stronger, but in the south where the influence of the courts and the administration was feeble he remained to all intents and purposes a tenant-at-will. The Bengal Tenancy Act of 1835 defined (section 5) a tenureholder as "primarily a person who has acquired a right to hold land for the purpose of collecting rents or bringing it under cultivation by establishing tenants on it" and his successors in interest, and a raiyat as "primarily a person who has acquired a right to hold land for the purpose of cultivating it by himself or by members of his family, or by hired servants or with the aid of partners" and his successors in interest. The definition of a raiyat clearly covered the Bākarganj *karsādār*, but the definition of a tenureholder did not at all cover the circumstances of all *hakiatdārs*. Many *hakiatdārs* cultivated all their land and many more the greater portion, while still more although they themselves cultivated little or no land but collected rents from tenants established upon the land, yet inherited from ancestors or purchased from other persons who had acquired the land for personal cultivation. Despite this lack of agreement between the classes of tenants as defined in the Tenancy Act and the classes of tenants as evolved by the indigenous population, all parties in the district—landlords, middlemen, lawyers and the Civil Courts—agreed to identify the raiyat of the Tenancy Act with the indigenous *karsādār* and the tenureholder of the Tenancy Act with the indigenous *hakiatdār*. When the preparation of the record-of-rights began, the problem at once arose whether this identification was to be accepted. There was something to be urged on both sides. By the strict letter of the Tenancy Act definitions, many of the lesser *hakiatdārs* were certainly raiyats, and there was a special provision in the Act [section 4 (3) (a)] for raiyats holding at fixed rates, whose holdings were also transferable under the law [section 18 (a)]. On the other hand all *hakiatdārs* held an identical interest in their lands and were by local custom, for the saving of which the Tenancy Act specially provides (sections 183), regarded as belonging to one class. To accept the local custom and to classify all *hakiatdārs* as permanent tenureholders involved no injury to the cultivating *hakiatdār* and conferred a distinct benefit upon their existing and future tenants in granting them the protection and privileges of a 'raiya' under the Act; whereas to apply strictly the definitions of the Tenancy Act and to classify the cultivators and quondam cultivators among the *hakiatdārs* as raiyats conferred no benefit upon the *hakiatdār*, while it degraded his tenants to the position of under-raiyats who are even under the Tenancy Act little better than tenants-at-will. Apart from this, all *hakiatdārs* desired the superior status of the tenureholder and to make distinctions—to classify some as raiyats along with the *karsādārs*, whom they had always regarded as an inferior class of tenant—would have created bitterness and discontent. It was therefore decided to accept the local identification and to class all *hakiatdārs* as tenureholders, whether they were in origin or in fact middlemen or cultivators. In the following pages the tenures described are therefore the Bākarganj *hakiats*, which are not necessarily or always, although mainly, intermediate interests in land.

Indigenous classes of tenants.
Comparison of these classes with the classes in the Tenancy Act.

Identification of *hakiatdār* with tenureholder and *karsādār* with raiyat in the record-of-rights.

129. It is usual to explain the development of the Bākarganj system of land tenure by the circumstance that the district was covered by large forests, of which no one would undertake the labour of reclamation without fixity of tenure on easy conditions. This is certainly not the complete and perhaps not the principal explanation. Forests have existed elsewhere in Bengal and have

been reclaimed without the help of subinfeudation. Much is no doubt due to the historical accident that the landowners during reclamation were largely absentees, much also to the geographical circumstance that the forest was covered by so great a network of rivers and streams

Causes of subinfeudation.

that it was impossible for a single person to supervise the reclamation or to collect the rents in a large area. The psychology of the people of the district has had its influence. In any case it is certain that the Bākarganj *hakiat* existed before the Permanent Settlement and before the British occupation; and although that settlement and that occupation produced conditions very favourable to its growth, yet its origin and the beginnings of Bākarganj subinfeudation are to be sought in the history and condition of the district before the British occupation.

130. There is little comparison possible between administration and development in the delta districts of the Ganges and the dry country behind them. The beacons which light the early history of Bengal are few and give only a fitful gleam, but they indicate clearly enough that Bihar and Northern Bengal were populous, civilised and settled when Eastern Bengal was still a chain of forests protected by huge rivers from intrusion. They

Early history: petty Hindu kingdoms with a simple land system.

indicate but a partial colonisation at a later date and they seem to show that the motive force in the settlement of the lower reaches of the delta was the break-up of the old Hindu order in Upper

Bengal under the blows of the early Muhammadan conquerors. The Hindus fled from the cruelty and anarchy of that invasion down the great rivers until they reached forest islands in which they were protected by vast rivers on all sides from the danger of further molestation. Here they recreated in petty kingdoms the civilisation which had been broken by the Pathans; but the great rivers which put a limit upon the pursuit of their persecutors put a limit equally upon the size of their kingdoms, which clustered round the banks of the fresh water rivers and were surrounded by impenetrable forests. In these petty kingdoms administration was simple and the land system was framed on the usual Hindu model. A nation of husbandmen gave a share of their crops to the king. There were no landlords and the rural districts consisted of the usual village communities. In the Hindu polity there was no place for the middleman, unless the occasional Brahmin, whose petty grant was apparently cultivated by his own servants, is to be classed as such. The rest of the higher castes were officers at the king's court employed in the petty details of administration, including the collection of the revenue. Subsequently the long arm of the Moghul reached the delta of the Ganges and the petty Hindu kingdoms acknowledged his overlordship without a struggle. In Bākarganj in the time of Akbar there were four such centres of population—Bāklā or Chandra-dwip in the south, Srirāmpur and Idilpur in the north and Sāhābāzpur in the east. Bāklā was sufficiently important to have its king numbered amongst the 12 *Bhuiyas* of Bengal. It seems reasonably certain that at this period all the western part of Bākarganj was covered by forests and intersected by shallow lagoons which were rapidly consolidating into land.

131. These simple conditions were remorselessly changed by Muhammadan enterprise and Mugh invasion. The rich lands of the delta no doubt attracted at an early date the Muhammadan adventurer and in any case Arab traders from the Arakan coast opened up the rivers to sea-borne traffic. At the same

Reclamation by Muhammadans.

time the settled conditions in the early part of the seventeenth century when Moghul rule was strong gave a great impetus to the colonisation of new lands, while the removal of the capital to Dacca brought the new lands within reach of every enterprising spirit at the Nizam's Court. It was however retreat more than advance which opened up the Bākarganj forests. The late seventeenth and the early eighteenth century witnessed the rise of the Arakanese pirates who carried out foray after

Retreat of Hindus before Mugh invasion and settlement of their lands on feudal tenure with Muhammadans.

foray with ruthless ferocity. The Hindus fled pell mell from Mugh pollution and hid themselves in the forests of the interior. Here they cleared the wastes again into settlements after the old fashion, while the Muhammadan soldiery poured into the rich riverside lands which they had deserted. These lands were held on a true feudal tenure, the *nawārā*

jāgir, the revenue of which was appropriated to the maintenance of a local fleet for use in the river war with the Portuguese and the Mughls. It is probable, although there is no trustworthy evidence to support the conjecture, that the grants were divided into lesser fiefs on the same feudal tenure amongst Muhammadan captains.

132. The eighteenth century saw the break-up of Moghul rule and the early beginnings of British administration; and in the anarchy which accompanied these changes old boundaries were easily obliterated and new titles easily obtained. But while estates were won by any adventurer with a few bold spirits at his back, attempts to increase the revenue by the late Moghul and early British administrators gave opportunities to a new class, the capitalist, which he was not slow to seize. Grants in abundance were obtained of the forests and the deserted riverside, but not content with these the new men carved estates out of lands torn from the old parganas of Chandradwip and Idilpur. Moreover all indications show that though the eighteenth century was a period of administrative anarchy, it was also a period of great agricultural development. Doubtless the removal of the great fear of the Mugh pirates tempted population back into the rich lands which had been deserted; but the times were still too disturbed for the pioneer to venture forth alone, while the administration, whether Moghul or British, would only deal with middlemen and not with the cultivator direct. Such middlemen came exclusively from two classes, from the higher caste Hindus whom the break-up of the older Hindu kingdoms had deprived of their traditional employments and from the Muhammadan adventurers whom the dissolution of

The new landlord: Muhammadan adventurers and Hindu capitalists.

the government at Dacca and of the Moghul armies had left without an occupation. At the Permanent Settlement there were clear traces of both these classes, of the military Muhammadan along the banks of the great rivers, where now was gathered a Muhammadan peasantry full of predatory instincts in the new Muhammadan parganas of Srirāmpur, Māizardi, Nāzīrpur, Shaistābād, Sultānābād and Dakshin Sāhābāzpur; and of the capitalist Hindu in the new reclamations of the south and west which bore the pargana names of Habibpur, Arangpur, Syedpur, Buzrugumedpur, Krishnadebpur and Salimābād. In the forests however Muhammadan jostled with Hindu in the attempt to get rich rapidly and, although they had been chiefly opened up by high caste Hindus from Bikrampur, yet in the development of some—Selimābād, Syedpur and Buzrugumedpur—the Muhammadan adventurer had had his share. Like a wedge in the centre of the district lay the relics of the old Hindu kingdoms in the parganas of Bangrora, Birmohan, Shāistānagar and Chandradwip.

133. The grants made in the early part of the eighteenth century were known as taluks and were very numerous. Revocable in theory, they were rarely revoked in fact and the smaller at least appear to have been regarded as permanent grants. The larger taluks paid revenue direct to the Dacca Treasury, but the smaller taluks were grouped together for fiscal convenience and paid their revenue through the larger land-owners or selected capitalists, who became known as zamindars. Most of the zamindars were new men and their tenure was precarious, but a few had been resident landowners in their zamindāris for generations. The new zamindars and most of the new talukdars lived in the neighbourhood of Dacca, either Hindus of Bikrampur or Muhammadan officials who had an easy access to the Nait Nazim's Court. Throughout the eighteenth century the demand for an increased revenue, especially in the shape of *abwābs*, was constant and severe.

Rise of subinfeudation in the eighteenth century.

From the circumstance of their creation most of the taluks contained large tracts of waste within their borders, while forest usually separated them from their neighbours. Forest separating two taluks grouped under one zamindar was regarded as the prerogative of the zamindar. To meet the increasing demands for revenue, both talukdars and zamindars were driven to reclaim these wastes as rapidly as possible. To find colonists was arduous and to finance them difficult, but there were plenty of men around Dacca like unto themselves, who were prepared to assist them in return for the grant of a portion of the waste. Thus a patient investigation of the history of the

tenures-in-chief in the great forest pargana of Buzrugumedpur shows that most of them were granted to men of this class in the neighbourhood of Dacca. Many were purchased and the purchase money went to reduce the rent. In the river fields after all fear of Mugh forays had gone, grants were given in a similar manner to the same class. The custom spread into the older zamindāris, where the tenures-in-chief appear to date from this time. Here many were granted, as in Chandradwip and Bangrorā, to the agents of the zamindār, but even here Bikrampur and Dacca Muhammadans had their share. Tenures-in-chief granted by zamindars were known as taluks in imitation of the Muhammadan practice and often by the additional description of *jangal-buri* or *patitābādi* (reclamation) taluks. These talukdars had usually no intention of undertaking personally the reclamation of their taluks and pursued in their turn the same system of subletting, but they generally selected as their sub-lessees men who were prepared to take colonies of cultivators to the land. Leases by talukdars were known usually as *hāolās* but sometimes as *osat* taluks, the latter name being apparently reserved for the larger leases. The early history of small leases such as *hāolās* is difficult to ascertain, but very old *hāolās* have been found in Bikrampur and Bangrorā and it seems probable that the name originated in the later days of Muhammadan rule. In any case it is certain that before the Permanent Settlement a great deal of the waste had been granted in taluk leases by the zamindars and that two grades of undertenures, the *osat* taluk and the *hāolā*, were already in existence. It appears probable that a third grade, the *nim hāolā*, had been introduced in the forest estates, where the *hāolās* tended to be of larger size than elsewhere and enabled a subdivision into greater areas than an ordinary cultivator would take up. Of these tenures the great majority were held by Hindus of high caste

who lived in Bikrampur and a small number by Muhammadans from Dacca. It is difficult to ascertain the facts in the absence of any contemporary account, but it seems probable that only a few of the *hāolādārs* were local men and that most were recruited in Dacca and Faridpur. An insecure title would not induce such men to leave their homes and spend their capital on reclamation in the south. The *hāolādār* had always therefore a heritable and transferable right in his land and his rent was usually a maximum which could not be increased.

Under-tenures existing at the Permanent Settlement.

134. Although the beginnings of Bākarganj subinfeudation pre-existed the Permanent Settlement and apparently even the British occupation, there is overwhelming evidence that the great bulk of the intermediate tenures in the district were created since that date. They were created however in a variety of circumstances, which may conveniently be grouped under six different heads—development, promotion, revolt, interpolation, fraud and family arrangements. Of these the first two may be described as legitimate and the last four as illegitimate. Of the six development is historically the first and promotion is historically the last.

135. Under the head of development may be included all intermediate tenures which were granted in forest or waste land for the purpose of bringing it under cultivation. This type of tenure is clearly the stock-type of the Bākarganj system and to this type belong almost all, if not all, of the *hāolās* and *nim hāolās* and a large proportion no doubt of the *osat nim hāolās*. The

Most of subinfeudation subsequent to the Permanent Settlement.

Creation of tenures for development of the land.

osat nim hāolā (or *nim osat hāolā*, both variants are in use) is the name given to a permanent lease granted by a *nim hāolādār*. Ordinarily several *nim* leases will be granted by one *hāolādār* and two or three *osats* by one *nim hāolādār*. Most of the *hāolā* leases occur in the estates newly-reclaimed from forest, but they spread to the older estates, where they were largely granted for the reclamation of the waste which was still interspersed amongst the old cultivation. It is probable that *nims* and *osats* had their origin in the south of the district and spread to the north. They are more common even now in the south of the district and the evidence seems to suggest that they first arose there in any large number after the great Wave of 1822. Much land was then abandoned and many *karsādārs* deserted or were drowned. The *hāolādārs* had to make the most strenuous exertions to keep

their lands under cultivation and there was great competition for cultivators whom it was only possible to attract by the offer of *nims* and *osats* with permanent and transferable rights and fixity of tenure. However that may be, the vogue of the *nīm hāolā* has become so general that they number one quarter of all the tenures in the district. The *hāolās* themselves number one in every five and with all their derivatives three in every five of the tenures in the district.

136. There are *hāolās* in the other delta districts in which forest had to be reclaimed, in Chittagong, Noākhāli and Khulnā; but they are the exception and not the rule and they did not spread apparently into the permanently-settled land behind. In such districts landlords were not so generally absentees, nor were the estates chiefly owned by men from Bikrampur and Dacca. The universal employment of this type of tenure in the reclamation of Bākarganj seems to be due partly to the fact that it was a Bikrampur invention and that most of the landlords in Bākarganj came from Bikrampur and partly to the necessity of small grants which would only be taken on a secure title to reclaim forests which were too minutely divided by rivers for supervision on a large scale. In Khulna where such conditions to some extent occur the *hāolā* is not uncommon. The spread of *hāolās* to the older area is apparently due to imitation. The forest estates penetrated far inland and surrounded the older settlements, while many of the landlords in those settlements had forest lands or came from Bikrampur. The expedient in use for reclamation in the large forests was naturally extended to the smaller wastes in the older lands. Reclamation of forest was no easy task. It took three or four years to clear the land for regular cultivation during which cultivators and labourers had to be maintained in a country where communications were difficult, rivers dangerous and markets few. Such work was in any case easier when responsibility was divided and it happened that reclamation was taken up when Dacca teemed with men whose occupation was gone. Such men were eager to get rich and unable by caste scruples to cultivate; but their attention was directed to colonisation and to Bākarganj by the example of Rājā Rāj Ballabh and many lesser men who lived in their neighbourhood. The owners of the estates who had neither the energy nor the resources to reclaim their forests unaided turned naturally to such men, often their friends or relatives, for assistance. Both the demand and supply were found in Bikrampur and chiefly to this fact is it due that a system of subinfeudation by absentees was evolved for the reclamation of Bākarganj forests.

137. By promotion is intended the conferment of a higher status upon a cultivator already on the land. Isolated cases of such promotion have no doubt always occurred and probably after the two great Waves in 1822 and 1876 many *karsādārs* could only be induced to stay by the offer of such advantages; but in the last years of the nineteenth century the grant of this form of under-tenure received a great impetus and many landlords conferred tenures of the usual type with rights of permanence, transfer and fixity of rent upon any of their tenants who were prepared to pay for them. The custom was made possible on the one hand by the rise in the price of rice and the consequent prosperity of the cultivator and on the other by the increase in the cost of living to the petty landlords, which kept them always in want of

money. The cultivator was willing to pay well for the security of title, while the landlord not only needed the money but also in all probability recognised that he sacrificed little in return. It is true that the cultivator obtained permanence and fixity of rent; but on the other hand eviction was becoming rare and troublesome, while a small middleman could not easily bring such pressure upon a tenant as would compel him to agree to an enhancement of his rent. As for the right of transfer, mortgages and sales were already becoming frequent and there was no means of preventing them except by a costly suit in the Civil Courts. Possibly also the knowledge of the advantages which the Bengal Tenancy Act had conferred upon the raiyat and the exaggeration with which the landlords generally regarded them had their influence in making the landlords willing to raise money betimes by yielding to a tenant's importunity. In any case a large number of such grants by promotion were

conferred upon cultivators in all parts of the district and at the latter end of the nineteenth century the Court of Wards paid off the debts of encumbered wards by wholesale creations of this type. Others of the larger landlords saved their estates by the same means. It was usual, although not universal, to give the name of *kāimi* or *mirās karshā* to such promotions. Undertenures with such names are found in every thana and in the total number one in every ten of the tenures in the district. Their owners are naturally the more prosperous amongst the cultivators, who have often in their turn sublet a part of their lands.

138. Grant of a higher status on this scale appears to be a peculiarity of Bākarganj land-tenure, which is not elsewhere found. It is not easy to account for it. Mr. Dampier, whose reports on his Sundarban resumptions in 1831 contain the first description of subinfeudation, found the cultivators or *karāādārs* a very depressed body with no rights of any sort and regarded by the tenure holder as little better than farm labourers. That so many of them

Orchards may account for such promotions.

should have secured so complete a change in their position is strange. In the south the economic effects of the great Waves in 1822 and 1876 were far-reaching and may have accounted for the change; but in the north the waves inflicted little damage. It is possible that an explanation may be found in the orchards of Bākarganj. The greater part of these orchards is held on a tenure lease (or a *pākkā* lease, as it is termed in the district) and largely amongst the lower grades of subinfeudation. The desire for an orchard is almost universal in a land so favourable to the growth of fruit-bearing trees; but years of labour and of waiting are necessary before fruit can be gathered and the profit from the crops which the land might bear meanwhile is sacrificed. No cultivator would accept the labour and the loss unless he were secure of the enjoyment of the fruit. There can be no doubt that such orchards account for the acquisition of tenure-right by many a cultivator and perhaps they account for the growth of so peculiar a custom. There are at any rate no fruit-bearing trees in the other delta districts and, although *kā-lās* and other tenures are occasionally found, the grant of tenure-right has not had this peculiar extension to the cultivator.

139. Of the four other methods by which the amount of subinfeudation in Bākarganj has been increased, none was a necessary part of the system, but each was rather an excrescence upon it. Of the four, fraud and family arrangements, although responsible for the creation of many under-tenures, may be considered as special variations of interpolation. Revolt is different and the

most singular of all the peculiarities of the Bākarganj system. Revolt is used as a comprehensive term to include all the varieties of the system which is

known in Bākarganj by the term *jimbā*. *Jimbā* literally means protection and when properly used implies the resort for protection by the oppressed tenants of one landlord to another landlord who is able and willing to grant it to them. In modern industrial language it means the "strike" of discontented tenants and the transfer of their allegiance from their own landlord to another. In the days of anarchy which preceded and followed the British occupation, resort to the device was, if local tradition is to be believed, very frequent and Rājā Rāj Ballabh for example obtained a great deal of property in this way. The practice is no doubt a survival of the day when tenants were subjects who looked to their lord for protection, and it was an easy transition when so many lords jostled each other on the land to leave one who was unable to afford protection from pirates, kidnappers and robbers and cleave to another who was capable of the service. It was a very uneasy order which was enforced in the early days of British rule and the few officials, although they put down the roving bands with the strong hand, could do little more than prevent the worst excesses. When the roving bands were broken up, many of their members found a refuge with some landlord, who employed them to harry the lands and tenants of his neighbour or to harass his own tenants in order to obtain a richer yield. To all who were oppressed beyond endurance recourse to the *jimbā* of a stronger or a better landlord was the time-honoured remedy which, if tradition is to be believed, was usually sought. Where tradition is so persistent, there must have been much to give occasion for it; but

after a hundred years only the greater instances, such as the Selimābād villages known as "Jabarāmal," are vividly remembered. Cases of *jimbā* were frequent up to the very end of the nineteenth century so that there is hardly a village in the district in which some tenant has not changed his landlord as a protest against oppression. *Jimbā* in this way often removed

Jimbā.

land from one estate to another, but more often no doubt from tenure to tenure within the same estate. The rival, whose protection was sought, either accepted the rebels as tenants of his own estate or tenure or pretended to hold a subordinate tenure under the forsaken landlord and included their lands within it. Such a tenure was anciently called a *jimbā* and 4,908 *jimbās* were enumerated in the record-of-rights. Not all of these however were the product of revolt, as *jimbā* has in later times come to be a recognised substitute for the ordinary title of dependent taluk and many modern *jimbās* are ordinary grants. On the other hand the *jimbādār* did not always designate the fictitious tenure which he created by the name of *jimbā*. The rebellious tenants on their part often took advantage of the opportunity to obtain under-tenures from the *jimbādār* and thus secure better rights than as *karsādārs* they had enjoyed under their former landlord. It was in this way that *jimbā* added to the tenures of the district. *Jimbā* flourished when there was no State survey of the boundaries of estates and no State registration of documents and began to wane when the *Thak* survey and the Registration Act enabled the forsaken landlord to prove the limits of his estate or the authenticity of his tenants' contracts. But it died hard so that during the preparation of the record-of-rights several instances came to light of a *jimbā* in the making. The most interesting case was in thana Nāzirpur, where the tenants of a large village had protested against an enhancement of rent by attorning to a rival landlord from whom they had obtained fictitious under-tenures attested by documents duly registered and by receipts for the rent of several years.

140. The *jimbā* system lends itself to abuse and in modern times it has frequently been employed by unscrupulous landlords to add to their estates or by unscrupulous tenants with no real ground of complaint to better their condition. A powerful landlord would harry the tenants of a weaker neighbour until they attorned to him or by fair promises of under-tenures with fixity of rent would

Perversions of jimbā.

induce them to desert. The most notorious instance of such employment is in the Bāuphal estate, which was gradually built up in the latter half of the nineteenth century on the ruins of many small estates and tenures despite the hostility of the superior landlord and the occasional intervention of the district officer. In modern times such perversions of the system have been very common in newly reclaimed *bil* lands in the marshes of Jhālākāti, Swarupkāti and Bhāndāriā.

141. The existence of the *jimbā* system and its perversions is an eloquent testimony to the continuous weakness of the administration. Resort to such a remedy was only sought, because the executive was too weak to prevent lawlessness in the villages, and was only successful, because civil justice was too inefficient to give relief to the forsaken landlord. Provided murder and serious riot were avoided, the life of a tenant or a village could be made intolerable. Acts of petty oppression such as assaults, confinement, fines,

Jimbā the result of weak administration.

extortions and house burnings were frequent and unpunished. On the other hand it was useless for a landlord who had lost his lands to sue his tenants or his rival in the Civil Courts. He had neither means of proving his title, when his documents were unregistered and as liable to challenge as the fabrications of his rival and when his tenants in a body denied the relationship of landlord and tenant, nor means, if his suit were successful, of compelling obedience to the decree. In practice the forsaken landlord usually recognized the hopelessness of his position and sacrificed the land without a struggle in the Civil Courts. These days slowly passed with the growth of closer administration and the improvement of civil justice, but *jimbā* did not disappear completely until the preparation of the record-of rights made it impossible.

142. It is chiefly the Registration Act with the facilities which it afforded for the proof of contracts which made possible the creation of tenures by

interpolation. Under this head will come all leases by which an intermediate interest is created in land which is already occupied by tenureholders or raiyats. The lessor hands over to the lessee the collection of their rents. Most of the tenures in the older estates have been of this kind, created in land which was

Creation of tenures by interpolation.

already occupied by tenants so that the tenures in the estate instead of developing downwards from the top have been built up from the bottom. Leases of this kind have also been frequent in the detached lands of an estate or tenure or in the detached tenures belonging to a large landlord, whereby the troublesome need of arranging for the collection of rents from distant tenants is avoided. Very commonly however these tenures comprise the whole landed property of the lessor and are, strictly speaking, assignments of the whole right and title of the lessor in the property leased. By local custom such assignments are treated as tenures and the annual sum stipulated to be paid is recoverable as rent, and as such Civil Courts permit it to be recovered. They have very often however little in common with the ordinary kind of tenure, as they gather together in one document all the property of the lessor, although it may be included in separate and distinct estates or in countless under-tenures of different grades. Occasionally reservations are made of the lessor's house and garden or of land set apart for religious worship or rent-free tenures for the support of Brahmins and of village and family servants, such as barbers, washermen, and the like. A feature of the contract is often the obligation of the lessee to meet the rent charges payable by the lessor and to pay to the lessee only the difference between these rent charges and the rent stipulated in the contract, i.e., the nett profit of the lessor. Such assignments usually bear the name of *mirās ijārā* (perpetual farm) and subordinate assignments,

The *mirās ijārā*: a substitute for sale.

to which they frequently give rise, of *dar mirās ijārā* and *nim dar mirās ijārā*. They are sufficiently common to number one in every ten of the tenures in the district. The peculiarity of interpolated tenures is that they are not confined to large owners or to large properties, but occur as frequently in the case of petty tenure-holders and small tenures, when they usually follow on a mortgage and often bear the derivative name of the tenure, thus *osat taluk*, *nim osat taluk* or *osat hāolā*. The interpolated tenure is in fact the Bākarganj substitute for a sale. Wherein other districts the owner of the property would sell outright, in Bākarganj he creates a sub-lease, reserving an infinitesimal profit which is very often neither paid nor intended to be paid. No doubt this is a result of the psychology of the people and is often explained by the inhabitants themselves as due to their tortuous habit of mind. But it must in many cases have a more rational explanation in the desire of a descendant to retain a titular connection with his ancestral property or of a family to maintain a nominal interest in land which their forefathers have reclaimed from forest.

143. There can be no question however that tenures of this kind are largely created with fraudulent intent. When a landlord gets into debt and foresees the grip of the creditor tightening upon his land, he creates an under-tenure in which he assigns the threatened property to a relative or a servant. His books are changed so as to incorporate the fictitious undertenure, while rent-receipts, leases and plaints are made out in the name of the relative or servant; but the management is unaltered and the property remains his as before.

Interpolated tenures frequently fraudulent.

At last when the evil day arrives and the land is brought to sale, the purchaser is met with the intimation that nothing has passed except the right to collect an infinitesimal profit from the undertenure-holder. Possession is then retained under cover of the relative or servant, who can only be removed by more expensive litigation. At the best terms are extorted from the purchaser, at the worst the profits of the land are enjoyed until the final process of the Civil Court is obtained. It is all very easy, when civil justice is so uncertain and so dilatory, and the ruse is pitifully frequent. The tenures of the district contain numerous examples of this type of fictitious assignment or *benāmi*, as it is compendiously called. The fictions are often long in preparation and the books run and the papers are made out in the name of the fictitious tenure and its *benāmi* owners for 10, 15 or 20 years before the need comes for its use. Some of these fictitious tenures are over 50 years old and throughout

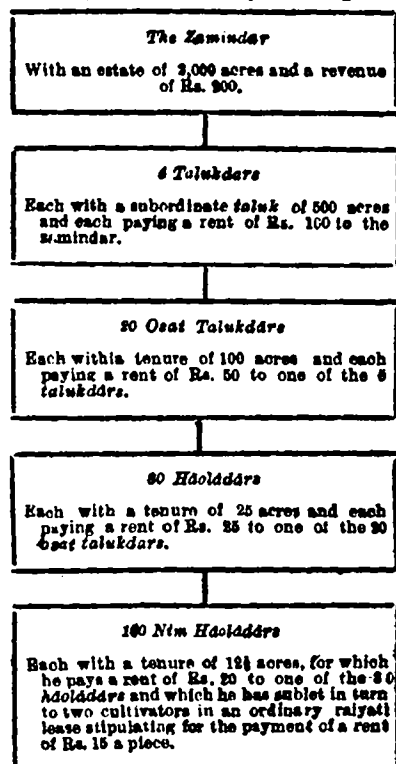
that period have been managed by the real owner in the name of his substitutes or their decendants. The middlemen of the district are sometimes curiously frank about *benāmi*; thus one large landowner who owned hundreds of such tenures created by his father freely admitted that they were intended to defraud creditors, if the worst befell.

144. Another common use of the assignment is to cover family arrangements for the management of landed property. Thus when estates or tenures come by inheritance into the hands of women or children or of men whose occupation takes them permanently away from the district, they frequently convert their arrangements for the collection of rent into a permanent sub-lease of the *mirās ijārā* variety, which is granted to some adult male member of the family who is ready to undertake the management. In such cases a *mirās ijārā* is interpolated between every tenure owned by the assignor and the tenancies of the tenants who hold under it.

145. It is in such ways and to meet such needs that the tenure system of Bākarganj has grown up. There is nothing inherent in the system of subinfeudation to make it tortuous and intricate. It is tedious no doubt to find several intermediate landlords between the cultivator and the proprietor who pays revenue to the estate; but it is not unintelligible. Indeed in many of the recent forest grants in the south of the district the tenures are regular and the system easy to understand. The grant is compact and has been cut up into compact blocks. Grade after grade of tenureholders have been created in an orderly progression and the tenureholders of each grade have by subletting simply converted themselves into annuitants, whose connection with the estate lies in the simple business of collecting rent from a few sub-lessees and paying out of the proceeds the rent which they have themselves contracted to pay. At the bottom of the chain come those tenureholders who collect rent from the actual cultivators. They are the real landlords so far as the management and care of the estate is concerned and to them the cultivator resorts for assistance or advice; but they are numerous and each has only a small parcel of the estate and a few of the cultivators to deal with.

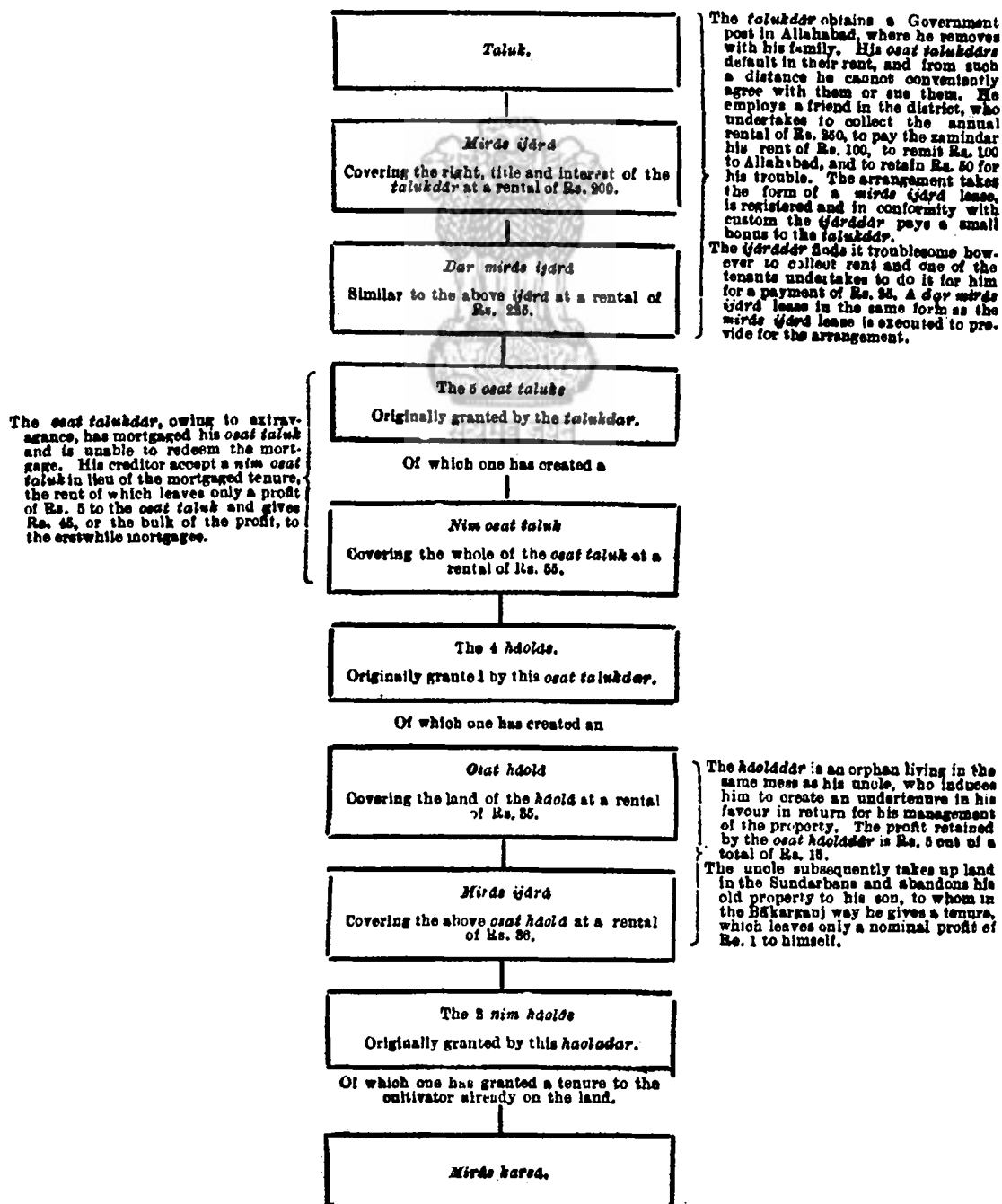
146. In practice of course the size of the subordinate tenure in each grade varies with the means and desires of the lessee and the amount of the rent with the fertility and amenities of the portion granted or with the amount of the bonus paid; but stripped of such differences the chain of tenures in an estate could be illustrated in a simple diagram:--

Explanatory diagram of subinfeudation in an estate.



In such an estate there are 320 cultivators paying a total rent of Rs. 4,500 to 160 *nim hāolādārs*, who are the real landlords but each of them only in respect of two of the cultivators. Although the *nim hāolādārs* as a body manage the estate, they take only a share of the profit, as they retain Rs. 1,600 and pay to the *hāolādārs* Rs. 3,200. The rest of the profit is shared by the different grades of superior landlords. But the *nim hāolādār* has exactly the same rights in his portion of the land, neither more nor less, as any of his superior landlords in the ascending chain, so that they have in effect retired from the management of the estate as soon as they have been able to secure sub-lessees, who would bring the soil under cultivation and provide them with a fixed income.

No estate is so regularly sublet as in the example given, but many estates in the south of Bākarganj have at one time more or less approximated to the model. Ordinarily most of the *hāolādārs* and *nim hāolādārs* will reserve some of their grants for their residences and their own support. Others again will confer *pākkā* rights upon their cultivator tenants and add a *mirās karsā* to the chain. As time goes on, pecuniary embarrassment or domestic happenings will involve assignments by one or other of the tenureholders and new tenures will be interpolated in the chain. The chain will lengthen, but when the process is understood will not thereby become more complicated, thus :—



This example is taken from an actual chain of tenures in a Sundarban forest estate and shows how the four original intermediate tenures have become ten. With a plentiful use of the *mirās ijārā*, it needs no great exercise of the imagination to see how exceptional cases of twenty grades and over are built up. It will be observed that though the chain has been lengthened it remains otherwise as simple as before. The ultimate under-tenureholder is as before the real landlord and the new tenures merely operate to divide the old profit between more participants.

147. The confusion into which Bākarganj land-tenure has fallen is due to the freedom with which in recent times tenures have been bought and sold and its complexity is due to the introduction of the aliquot tenure. Buying and selling of tenures have become as common as buying and selling of shares and the purchaser has very often been content as in the case of shares to take his dividends in the shape of rent from the undertenants and forego all further knowledge of the land which produced them. In this way many of the tenureholders in a Bākarganj village know nothing of the land of their tenures, live at a distance and pay at the most one short visit to it in the year. In the course of time several distinct tenures in the same estate or in the same village came into a single man's hands, when to confound then was the more easy that the name (*mudāfat*) under which different tenures were known was often the same. It is universal in Bākarganj to describe a tenure by the name of a person, usually the original grantee or a member of his family, thus taluk Rādhā Charan Rāy, *hāolā* Azimuddin; and purchasers often ministered to their self-importance by rejecting the old description (*mudāfat*) in favour of a new *mudāfat* from their own family. Thus purchase soon made confusion possible in a village which belonged to a single estate, while in the ordinary village with several hundred tenures included in ten or twenty different estates confusion was inevitable. Each estate had its *taluks*, *osat taluks*, *hāolās* and *nīm hāolās* and a plentiful sprinkling of the ubiquitous *mirās ijārā* in every grade: each village had its landowning families, buying and selling tenures in every estate and frequently giving to those tenures the family *mudāfat*. An illustration will serve best to indicate the certainty of confusion. In one village there were 47 tenures scattered over thirteen estates in the *mudāfat* of Rām Chandra Rāi and 24 more in nine of the estates in the *mudāfat* of Tarak Nāth Nandi. In the course of time 15 of the former and 8 of the latter came into the hands of the same individual, who left that part of the country after granting separate *mirās ijārās* under each of them to one Hari Charan Chatterji and in his *mudāfat*. Hari Charan lived at a great distance, but dealt in intermediate tenures as a broker deals in stocks and shares. He soon added 20 or 30 tenures to the village, but in doing so he confounded the tenancies subordinate to his different *ijārās* and transferred land from one estate or tenure to another until the old tenures were unrecognisable and a taluk paying a rent of Rs. 50 found itself reduced to a single raiyat holding two acres while a petty *osat hāolā* with a rent of Rs. 8 had an area of 60 acres and an ultimate rent-roll of Rs. 250. In another village as many as 77 tenures with the same *mudāfat* were counted, while a single landlord in a large village of over 3,000 tenures held not less than 500 of them scattered in 34 different estates. By a careful examination of leases and other documents which contained a specification of the land conveyed it was often possible to correct error; but few ancient leases have survived and those few rarely contain any clear specification of boundaries so that much confusion must remain for ever impossible of dissipation.

148. The greatest confusion has arisen however during the last quarter of a century through the general dissolution of the joint family system and through the artificial arrangements which have been devised to afford an outlet for individualism. If every tenure and every holding were in the possession of a single man, the ladder though long would be simple and though inconvenient would be comprehensible. Such a result can however only be attained by the custom of primogeniture. Where the laws of inheritance prescribe, as in the case of both the Hindu and the Muhammadan codes, the passing

of the property to several descendants, to all males standing in a similar relationship or to all wives, sons and daughters in unequal shares, only a rigid custom of joint-management on the one hand or a peremptory and complete partition on the other hand can preserve the simplicity of the system. Such a result was secured in older days by the Hindu joint-family and was in practice reached in Muhammadan families without any customary law by the difficulties which poor communications and few alternative careers opposed to the independence of the individual. But joint property is only possible in a patriarchal state of society, when the family is the sole centre of interest and the village, the town and the district have not grown up. Under an administration which regarded it as a cumbrous relic and made no effort to preserve it and in an atmosphere which perpetually held up western individualism for the admiration of the enterprising and the educated, it gradually became a spent force. Easy communications helped to make a breach in the joint-family and while the village nest was deserted by the young for education in the distant schools, it was increasingly abandoned by adults in search of a career. The joint-family with its joint-property became an anachronism. It was unreasonable to expect that members who as boys had rarely been at home and as men had always lived elsewhere with wife and children would respect the old family arrangements for the management of property or throw the prizes of their career into the family melting-pot. Joint families on the old pattern were still to be found amongst a stay-at-home peasantry and the older type of landlord, but where the sons went to the new schools and left them for service and the professions the joint-family tradition completely passed away. The law however did not keep pace with the change of sentiment, as no facilities have been offered for the cheap and speedy partition of landed properties. There is indeed the Partition Act, but

(3) lack of facilities for partition;

it applies only to proprietors of estates paying revenue to Government which are in Bākarganj a small fraction of the interests in land. For the partition of a tenure there is still only the dilatory and uncertain process of a Civil Court, which is ill fitted for such a work. Amicable partition is out of the question amongst a class whose family jealousies are so easily inflamed. Not unnaturally development followed the line of least immediate resistance. It was easy for each partner to pay his own share of the rent and to collect his own share of the rent-roll. Joint management disappeared and separate management without partition was set up by each of the partners who desired it. There was at first a difficulty both in the payment and in the collection of rent, as, unless each partner paid his share so, that the landlord received the whole of the rent, the entire property, still nominally joint, paid forfeit in the sale, while if a tenant paid rent to some of the partners and not to all, it required the co-operation of all before a suit for the arrears due to some could be filed. But legal fictions were soon devised to meet these difficulties. When the superior landlord agreed to give a separate rent-receipt to a single partner for his share of the rent, the courts agreed to recognize it as constituting a separate tenancy; and even when the superior landlord refused a separate rent-receipt, if the single partner granted receipts for rent separately

(4) consequent creation of aliquot tenures.

to an undertenant for his own share of the rent, the Courts recognized this as forming an independent undretenancy. The issue whether a tenancy was joint or separate rarely arose in litigation for the recovery of arrears of rent, which is usually not defended, so that the fictions of the Courts became well established without any ruling being obtained as to their legality. The effect in any case has been to add a new type of tenure, the aliquot tenure, in ever increasing numbers to the tenures of the district and with it the assignments and ordinary undertenures which its holder was now able to grant independently of his co-sharers. As the aliquot tenure covers only an undivided share of the land, it has very much increased the complexity of land-tenure. Its owner will treat it in every way as an independent tenure, sueing, selling and subletting without reference to the other partners in the undivided land; but all the while he never claims any specific portion of the land solely as his own, but an undivided share in the whole land and in every field. The separate collection was particularly burdensome in that it carried

the aliquot system down to the cultivator and gave him a complex and not a single title to his fields. Where he had formerly paid rent in one sum and obtained one rent-receipt, he now paid in several sums and obtained several rent-receipts. In the course of time the cultivator began to imitate his landlord and to purchase separation from his own partners in the payment of his rent, although he remained joint with them in the cultivation of his fields. The aliquot system has thus embraced every interest in land from the zamindari to the raiyati holding and, while adding complexity to subinfeudation, has also destroyed the simplicity of the cultivator's title in his fields.

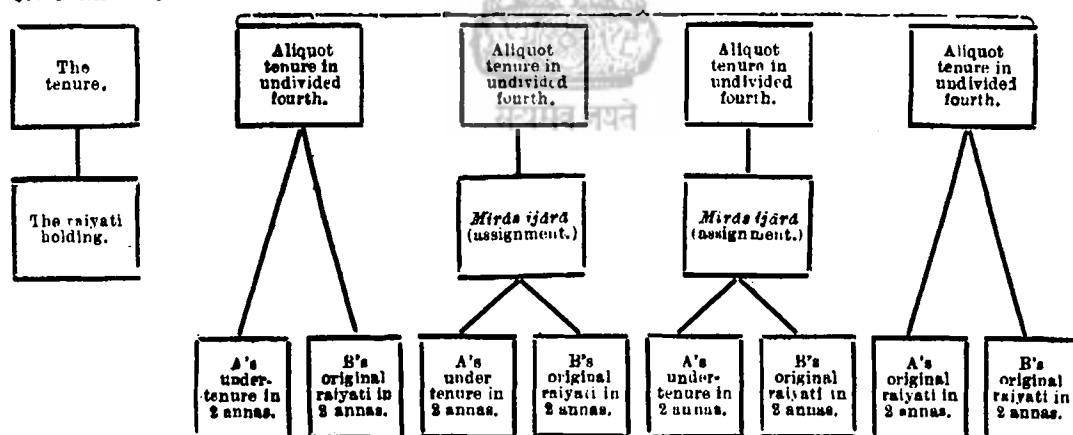
149. An illustration will serve best to explain the complications inherent in the aliquot system. The four partners of a joint and undivided tenure decide to separate. As a result, each pays a fourth of the former rent separately to the

Attendant complexity of land-tenure.

landlord and obtains a separate rent-receipt, and from each undertenant who had formerly paid rent in a single sum and obtained a single rent-receipt, each now collects separately his fourth part of the rent and grants a separate rent-receipt for it. Subsequently two of the tenureholders grant assignments in respect of their undivided shares. One of the subordinate tenancies is held by two partners as raiyats, the richer of whom purchases the status and rights of a tenureholder from three of the landlords, but not from the fourth who only grants him separation in the payment of his rent. Eight separate payments of rent are now made in respect of the land, four by each of the former partners, and eight separate rent-receipts are granted by the landlords in respect of land for which one was formerly sufficient. The original tenure has become nine tenures and the original holding has become five holdings so that in the total fourteen aliquot tenancies have been substituted for two simple tenancies by the acts of their owners. Notwithstanding the dissolution of partnership by both tenure-holders and raiyats, the land is not partitioned. Each tenureholder owns an undivided fourth in every portion of the land and each raiyat enjoys an undivided half of each of the fields. In the form of a diagram the position may be thus contrasted :—

ORIGINALLY.

AS DEVELOPED BY SEPARATION.



150. This is a comparatively simple example of the complexity which the introduction of aliquot separation produces in the system of land tenure. Out of 464,008 tenures enumerated in the district, 356,830 represent the original grants and 107,178 are aliquot portions of those grants after they have been split into independent parts. Of these 52,151 represent groups of owners who pay rent independently to their landlord and collect rent independently from

Great prevalence of the aliquot system.

their tenants and 55,027 represent groups of owners who collect rent independently from their tenants, but do not as yet pay rent independently to their landlord. There are tenures in which the holders have separated into twelve and twenty groups for the collection of rent from under-tenants and have so remained for twenty or even fifty years without any attempt to partition the land between them. In other tenures as many as ten and fifteen aliquot under-tenures have been created to cover family arrangements and to transfer the burden of management from the absent or the incapable to those who are ready and willing to shoulder it. On the other hand the cultivator's title is complex in

one out of every four of the fields in the district. These figures will serve to show how greatly the aliquot device has added to the confusion in the land tenures of the district. To what lengths this complexity can go, the following condensed extract from one of the annual reports on the settlement operations will sufficiently explain:—

There are 57 different interests which co-exist in this single plot (No. 280 in village Mallik Dobā) of which 8 are proprietary interests, 45 tenures and 4 raiyati interests. The expression "interest" is not meant to convey the idea of an individual person; in some interests, there are 8 or 10 persons jointly concerned. On the other hand the same person or group of persons may recur in different interests. When we examine the 57 interests in this plot, we find that 41 are purely rent-receiving while 16 are in physical possession of the soil—an ordinary piece of paddy land measuring less than 2 acres. These 16 groups enjoy it jointly. They have not partitioned the plot, but they have separate ploughs and conduct their cultivating independently. Each group takes a portion of the field and a periodical exchange is made. In other wards the physical possession of the soil rests jointly, but unequally with 7 *osat nim hāolās*, 1 *nimosat nim hāolā*, 1 *mirās ijārā*, 3 *dar mirās ijārās* and 4 raiyati holdings. Each of these groups receives a separate rent-receipt from his superior landlord and is in every way treated as a separate tenant. The 16 groups resolve themselves into 9, if the different interests owned by the same group of persons are amalgamated. For example, one group of four brothers enjoys three distinct interests in this plot covering $\frac{1}{2}\frac{3}{8}\frac{1}{8}$ ths of the plot, viz., an *osat nim hāolā* in $\frac{1}{2}$ th, a *dar mirās ijārā* in $\frac{1}{8}$ th and a raiyati holding in $\frac{3}{8}$ ths of the plot."

151. It is possible that the legislature never contemplated such developments of joint ownership, assuming that co-sharers would invariably appoint a common manager to manage the business of a joint and undivided property so long as it remained joint. Certainly it would appear that it did not contemplate the acquisition by the cultivator of several parallel titles in a single field. There is nothing in the law expressly enacting that all transactions in respect of a joint property shall be effected by the co-sharers through a common manager or that no one of the co-sharers shall deal with a joint property independently until it has been partitioned; and in default of such express enactment, the aliquot system will continue

Aliquot management of joint property not contemplated, but not forbidden by the law.

to flourish and to breed extraordinary confusion in a district with so much subinfeudation as Bākarganj. There is nothing also in the law expressly enacting that a raiyati holding is indivisible by the raiyat and that a partial lease or sale is inoperative. But a strict examination of the law on the subject of holdings would show that the privileges and protection extended to the raiyat are based on the assumption that the land of the holding is impartible. The present situation has grown up in the absence of any cheap, easy and convenient means of partition, applicable to tenures and to holdings as well as to estates. In default of such facilities, amendment of the Act making the management of joint property more rigid must be inoperative and make confusion worse confounded.

152. Before leaving the subject of Bākarganj land-tenure, it is necessary to remark upon one of its most peculiar and unexpected features, the repudiation by the custom of the district of the doctrine of merger. There are in the district thousands of cases in which a tenure and a subordinate undertenure with identical rights, terms and conditions and an identical interest in the land belong to the same person. In the neighbouring districts of the Dacca Division as in the rest of Bengal, the undertenure would be merged in the superior tenure without question or objection. The doctrine of merger is founded upon the maxim of Justinian: "*Nemo potest esse dominus et tenans*" 'no person can be at the same time landlord and tenant in the same property

Repudiation of the doctrine of merger by local custom.

or premises' and has a place in the common law of England as well as in the legal systems derived directly from Roman Law. Merger has only recently been admitted to the Bengal Code by a section [111 d)] of Act IV of 1882 which has no retrospective effect. The doctrine is passionately repudiated in Bākarganj and when an undertenure comes into the possession of its landlord, it is never extinguished. There are cases in which six grades of undertenures are held by the same person and a suggestion to merge any or all of the inferior five in the superior tenure would be regarded as an attempt at confiscation. To the ordinary man the Bākarganj attitude must remain

incomprehensible. It is difficult to resist the conclusion that the under-tenures are kept alive against the day of adversity so that when the highest is lost or sold the fight may be continued with the second, and so on down the scale. Each no doubt can be separately mortgaged on much better terms than could be obtained for six mortgages on the highest, if the inferior tenures were extinguished.

153. It may be convenient to summarise the foregoing description of the land system of Bākarganj in a picture of an ordinary village. Such a village will form part of several estates paying revenue to Government, but the land of these estates will be jumbled in a hotch-potch of small parcels throughout the village. The proprietors of these estates will have no connection with the cultivators of the land, but will have sublet to talukdars at a peppercorn rent the whole of their interest in the village with the exception of a few petty rent-free grants made to Brahmins. In every hundred acres of the land sixty-four acres will be occupied and cultivated by raiyats upon whom the

General description of land-tenure in a Bākarganj village.

Bengal Tenancy Act has conferred a right of occupancy, but in each field and in each holding the raiyat will not be a single person, but several members of the same family who jointly cultivate but divide the produce of the harvest into portions representing their inherited or acquired share in the holding. The fields belonging to a family will rarely be contiguous and will never be grouped within a ring-fence round the family homestead. In a large number of fields and holdings several families will have a share under different titles, but here again division will usually be recognized at the harvest and not during the process of cultivation. The field will be ploughed, sown, weeded and cut as a whole by the joint efforts of the co-sharers and specific portions will not be marked off as the claim of each co-sharer. The cultivators will ordinarily pay rent to some petty tenureholder, but often a portion of the rent to each of several petty tenureholders. The tenureholder will rarely be a single individual, but usually a group of relatives. Between the cultivators and the talukdars there will be a vast sea of middlemen's tenures, all held under identical conditions and terms but all taking some small portion of the rent as their profit. The owners of the various tenures will be usually not a single person but a group of partners, originally members of the same family but often including purchasers. Most of the tenureholders will be resident in different parts of the country and not in the village, many will be money-lenders and many will own several tenures in several estates. The tenureholders will come personally or by agent to the village to collect their rents in February, but will otherwise take no interest in the village and have no part or lot in its affairs. Some of the tenureholders will not trouble to take even the rent due to them, as the amount is nominal, and their interest will remain merely a paper entry in the village books. On the other hand a considerable proportion of the tenureholders will be prosperous cultivators who live in the village and still cultivate twenty seven out of every hundred of its acres. Such men will in many cases be middlemen in respect of some portion of their lands and cultivators of the rest. Most of the cultivators and many of the tenureholders will be unable to explain the title of their landlord or the chain of tenures which connect him with the proprietors of their estate. No one in the village will be capable of pointing out the land of the different estates, still less of the different tenures in the village. No one, whether proprietor, tenureholder or raiyat, will be capable of detailing with reasonable accuracy the tenures of the whole village and very few of the more intelligent tenureholders will be able to give accurate information about the tenures of any single estate; even those few will be incapable of pointing out the land included in the tenures of which their other information is reasonably accurate.

154. There is no exaggeration in this picture which must surely portray the most amazing caricature of an ordered system of land tenure in the world. It may well be asked whether such a monstrous growth serves or has served any useful purpose. The usual reply to such a question is that by its agency huge areas of waste have been rapidly and effectively brought

Examination of the value of subinfeudation to Bākarganj.

under the plough. There is room for doubt however whether State aided immigration or State-planted colonies of cultivators would not have done the work more rapidly and more efficiently. Two other advantages of a different kind are sometimes claimed to have sprung from the Bākarganj system. It has distributed the profits of landowning—it is urged—amongst a large class and permitted the growth of a strong body of annuitants who were enabled to educate their sons and thereby to provide cadets for the direction of industry, for the professions and for the administration of the country. In place of a few wealthy landlords too rich to perform any useful work for the society, it has supplied large numbers with sufficient for maintenance but too little to deprive them of initiative and enterprise. Certainly the civil services, the professions and the clerical branches of industry and administration in the district are recruited from this class and the wide distribution of profits has no doubt enabled this to take place, but the process has been accompanied by enormous waste. Gaurnadi, Jhālākāti, Nalchhiti and Swarupkāti teem with able-bodied idlers of the *bhadralok* or respectable classes, who are not driven to employment by the spur of want and are content to maintain themselves on the profits of their tenures. It is claimed further

Suggested advantages.

for the system that it has given the cultivator a fixity of tenure and has kept rents at a reasonable level, as small owners and particularly non-resident owners have not the means for great oppression. Eviction has been rare and rents are indubitably low. Most of the cultivators certainly hold immediately of small men and not a few amongst them have been able to take advantage of their landlord's necessity to secure their titles and to protect their existing rents against future enhancement. It must be admitted that subinfeudation has been of some assistance to the Bākarganj cultivator in securing the strong position which he holds; but it should be remembered that the large areas of fertile waste in the alluvial *chars* scattered in every thana of the district, in the marshes of the north, in the rich islands of the east and in the great forests of the south have exerted a constant pressure against harsh treatment. As the waste contracted the landlords' income grew without the need of harder terms, while there has always been the risk of desertion if too severe a demand were pressed. Such an influence exerted continuously over a century cannot easily be measured; but in neighbouring districts, such as Mymensingh, where there is little subinfeudation to be pleaded as a cause, the large areas of waste have kept rents even lower.

155. Another school is of opinion that the system of land-tenure in Bākarganj is a public nuisance. It may have had its uses in the past, but it has outlived them. It is now a fertile cause of fraud and confusion, it makes civil justice dilatory and inefficient, it gives endless opportunities to the landshark and

To some extent a public nuisance.

intriguer whose efforts poison the peacefulness of village life, it hampers the ordinary administration at every turn and makes tedious and difficult the simplest duties of revenue and routine. It may be urged however that it is not the cultivator but the landlord or the middleman who suffers from the evils of the system. The cultivator knows his own land and his own landlord and no further knowledge is necessary to him. In a sense this is true, but he is continually at the mercy of every intriguer with a hunger for land and sufficient cleverness to pervert an incomprehensible system to his use and he is continually being involved against his will and often to his hurt and damage in disputes which have arisen out of the obscurities which the system of land-tenure occasions. Separate collection of rent by co-sharers is in particular a source of great harassment and irritation. This was recognized by Government as early as 1833, when they remarked:—

Joint estates possessed by a multitude of co-sharers, each of whom has as good a right to manage as another and is unwilling to relinquish that right to another, cannot but be badly managed. It is understood to be a practice very prevalent in the Bengal districts for each co-sharer to manage for himself, by collecting from every raiyat his own share of the rent and by granting leases to such raiyats, and on such terms as he himself thinks proper; so that every raiyat may have to pay his rent in minute portions to twenty or more landlords; and two or more persons may hold each a lease for the same field,

obtained from different proprietors. It is quite obvious that under such management the cultivators must be subject to great harassment.

156. The existing system of land-tenure has grown up without hindrance or assistance from the law. How far legislation can mitigate the evils of the system, it is difficult to say. The record-of-rights certainly provides accurate information upon which legislation can be based; but fresh tenures are being created every day, so that each year which passes with its tale of tenures not entered in the record-of-rights will make it more difficult for legislation smoothly to do its work. The creation of new tenures ought certainly to be discouraged. Those of the new creations which promote raiyats involve merely a change of status and do not add to the number of existing tenancies; but there is little waste left to reclaim except such as belongs to the State so that other new tenures are for the most part interpolations or aliquot creations. In many of these a simple sale, as takes place in other districts, would equally effect the purpose of the parties. By a high stamp duty on leases which were granted by aliquot landlords or to aliquot tenants or which interpolated tenures on lands already leased and by a low stamp duty on sales, the attention of alienors would be attracted to the simpler and less cumbersome alternative. It would be impossible to reduce the confusion or the number of

Remedies suggested to mitigate its evils.

the tenures already in existence without resort to legislation. The worst confusion is the effect of the aliquot system, which is certainly a public nuisance. To cure this confusion a cheap and easy means of partition for proprietors, tenureholders and raiyats is the only real remedy. It would not be difficult to establish, it would be popular and it would have plenty of work in Bākarganj. When established, it would be possible to insist by law that undivided properties should be managed by a common manager. Legislation to reduce the number of existing tenures would be a more contentious measure. If merger were made obligatory, a large number would automatically disappear. It is against public policy that the same person should be both landlord and tenant of the same property, as it involves great opportunity for fraud. Apart from merger, existing tenures could only be reduced by expropriation. Thus facilities might be given to the tenants of an absentee middleman to buy him out or to the holders of assignments to convert them into outright sales, land-courts being established to fix the price in both cases. Expropriation has good authority behind it in western countries, but has not been tried in India. A tentative experiment of this kind might be made with it in Bākarganj. Such legislation need not be extended to other districts. Bākarganj subinfeudation is happily not "an article of exportation," to use Gambetta's phrase, and those who had no experience of its evils would not take kindly to the remedy. Without legislation of some kind it would seem that the tenures of Bākarganj will in the course of time become too complicated for the wit of man to comprehend.

*Statistics of land tenure.**

157. The entire land area of Bākarganj is divided between 55 revenue-free properties and 3,418 revenue-paying estates, of which 3,377 are actually charged with revenue and 42 are not assessed at present, as they consist of uncultivated waste. The revenue roll of Bākarganj in 1910 contained 6,559 numbers as follows:—

2425	transferred to other districts,
183	amalgamated with other estates,
248	diluviated and removed,
108	removed for other reasons,
15	redeemed,
2	ferries,
7	fisheries,
3387	revenue-paying landed estates, of which 123 have been diluviated,
184	landed estates without revenue demand at present, of which
	142 have been diluviated.

* Detailed figures will be found in Appendices Nos. 5 and 6 (VI to IX).

The remaining 113 revenue-paying estates are borne on the revenue roll of other districts, viz., Faridpur 97, Dacca 9, Khulnā 3, Noākhālī 3, and Jessore 1.

158. The Collectorate Register B, Part II, of revenue-free properties contains 29 entries, of which 10 are lakhirāj formally confirmed by the British Government. 2 are fee-simple grants in the Sundarbans and 17 are petty estates formerly charged with a revenue which has been redeemed. The land of 12 of these redeemed estates has been diluviated and the area of the 5 remaining is only 30 acres. There were in addition 38 petty *jaigirs* with an area of 2,874 acres, which have never been formally recognized by Government. The total revenue-free area amounts to 23,234 acres as recorded in the district operations, but no enquiry was made into the validity of titles or into the amount of land which a valid title covers. The total area is therefore subject to modification as a result of such enquiry. Only two of the revenue-free properties were large, Debatra Modan Gopāl Thākūr, which covers an area of 6,336 acres, and the Sundarban chak Nali-Saplenzā, which covers an area of 11,140 acres. Subinfeudation is as universal in the revenue-free properties as in the revenue-paying estates.

159. The proprietary right in all except one of the revenue-paying estates without a present demand of revenue which cover 94,095 acres belongs to Government. Of the estates actually paying revenue, the proprietary right in 3301 belongs to private individuals and in 199 to Government. The Government estates are either estates which have been purchased at a sale for arrears of revenue or islands and Sundarban mahals, which are exhaustively reviewed in Part II. Amongst the private estates are included some Jimni mahals of Buzrugumedpur, which are really permanently-settled tenures, although, for all practical purposes they may be classed as private estates. The revenue in 2,982 of the private estates on the Bākarganj revenue-roll has been settled in perpetuity (2,196 by the Permanent Settlement and 786 subsequently) and in 206 is subject to periodic variation. The fiscal history of all estates the revenue of which was not settled in perpetuity at the time of the Permanent Settlement is examined in Part II.

160. The situation and size of the various estates in Bākarganj have been shown in detail in the calendar published along with this report. The number of estates with land in the different thanas of the district is as follows:—

	Per- manently- settled.	Private temporarily settled.	Govern- ment.	Revenue- free.		Per- manently- settled.	Private temporarily settled.	Govern- ment.	Revenue- free.
<i>Sadar Sub- division.</i>					<i>Pirozpur Sub- division.</i>				
Gaurnadi ...	1,229	18	10	12	Swarupkati ...	156	2	Nil	11
Mehendiganj ...	455	35	39	5	Pirozpur ...	23	16	4	1
Jhalakāti ...	145	7	1	4	Bhāndāriā ...	22	1	2	Nil
Nalchhiti ...	32	5	10	11	Matbāriā ...	11	4	5	
Barisal ...	103	8	12	8					
Bākarganj ...	476	20	8	9	<i>Patuakali Sub- division.</i>				
					Patuakhāli ...	357	7	35	
<i>Sahabaspur Sub- division.</i>					Bāuphal ...	62	15	6	
Bholā ...	119	21	27	Nil	Galachipa ...	68	12	26	Nil
Barahanaddin ...	55	23	27	Nil	Antali ...	17	15	42	Nil

Many of these estates have land in two or more of these thanas. The excessive number of estates in Gaurnadi is due to the fact that the parganas of Bangrorā and Bir-mohan, which fall within this thana, are chiefly composed of small khārijā taluks. Even the smaller estates are very scattered and only 1,527 estates are confined to a single mauza. Apart from Government estates, it is very rare for any village, however small, to be included in a single private estate, while many villages contain a portion of a large number of estates. On

the average each village in the district contains land belonging to seven estates and each estate in the district has land in seven villages. If the temporarily-settled area, which is largely divided for convenience into single-village estates, were excluded, the scattered nature of the permanently-settled area would be more apparent. In tabular form the estates are distributed as follows:—

With land in—		Permanently-settled estates.	Temporarily-settled private estates.	Government estates.	Revenue-free properties.	Total.
200	villages and more	14	...	...	...	14
100—199	ditto	11	...	...	...	11
50—99	ditto	46	...	...	1	47
25—49	ditto	79	...	2	1	82
10—24	ditto	191	1	2	3	197
5—9	ditto	348	2	4	6	350
3 and 4	ditto	507	11	12	10	540
2	ditto	499	21	32	13	565
1	ditto	1,150	169	187	21	1,572

Apart from the temporarily-settled area, few estates even amongst those with land in a single village have their lands in a compact block; usually they consist of a collection of scattered parcels in each village. This applies, with a few exceptions, even to the largest estates. Still fewer estates hold all their lands in severalty. The great majority have a joint and undivided interest in some and usually a considerable portion of their lands, while several estates possess only an undivided fractional interest in their entire area.

In area the great majority of revenue-paying estates are very small, 1,050 measuring less than ten acres, 1,953 less than fifty acres and 2,310 less than a hundred acres. The size of the larger estates is much complicated by imperfect partition. Ignoring partition and taking the historical estates as the unit, there are 870 estates which cover 100 acres or more, of which 300 measure less than 250 acres, 480 less than 500 acres and 616 less than 1,000 acres. Of the 255 estates which exceed 1,000 acres, 170 measure less than 5,000 acres and 85 more than 5,000 acres, of which only 30 exceed 10,000 acres. The zamindari of Selimābād, which has been partitioned into 17 estates, is the largest in the district as it covers 217,309 acres, besides extensive lands in Khulna. The zamindari of Chandrawip, which has been partitioned into four estates, measures 128,530 acres, while the zamindari of Dakshin Sāhābāzpur, which has been partitioned into two estates, contains 93,202 acres. The two largest unpartitioned zamindaries are Idilpur with 72,105 acres and Sāidpur with 65,037 acres. As Idilpur has extensive lands in Faridpur, which have not been included in these figures, it is the biggest single estate in the district. The total area of the 23 zamindaries with land in Bākarganj is 880,698 acres.* The largest khārijā taluk in the district measures nearly 20,000 acres, but in the Sundarbans there are several forest grants with a greater area.

161. The owner of a Bākarganj estate, whether large or small, is very rarely a single individual. In many cases the co-sharer proprietors are a large body and contain purchasers as well as the heirs of the original proprietor. The proprietors of most of the larger estates and of all the more

Proprietors.

lucrative do not reside in Bākarganj. Amongst the smaller estates residence in the district is fairly common, but it is only in the northern thanas that residence within the estate is usual. The largest resident zamindars are the Kalaskāti Rays of Arangpur and some proprietors of Selimābād and Chandradwip. Where the original proprietors have lost the property, they have usually given place to the agents whom they had employed in its management and more recently to pleaders. Money-lenders have usually avoided burdening themselves with Bākarganj estates, while purchasers from outside the district have been rare and generally unfortunate, although two notable exceptions are the Nawabs of Dacca and the Tagores of Idilpur. Outsiders have always fought shy of the sinister reputation of Bākarganj tenants and tenures.

* This figure, as all other figures summarising the permanently-settled area in Bākarganj, is subject to modification as a result of the diara operations now in progress.

162. The extent to which perpetual assignments have been granted by proprietors of all the right, title and interest in their estates may thus be summarised. In revenue-paying estates an assignment has been made in respect of the whole estate in 138 cases, of the whole apart from rent-free grants in 11 cases and of entire aliquot portions of the

Assignments by proprietors. estate in 486 cases. In many cases the assignees have made further subordinate assignments; in 12 cases of the whole, in 3 cases of the whole apart from rent-free grants and in 90 cases of entire aliquot portions. Figures in respect of partial assignments, by which leases of the right, title and interest have been interpolated in specific lands or tracts of an estate, have also been collected, but without a careful scrutiny the figures cannot be regarded as accurate or exhaustive. The total of such partial assignments is reported as 700 with a further 223 subordinate assignments. In revenue-free properties there have been two assignments of the whole and six (including one subordinate assignment) of an aliquot part.

163. The owners* of all private estates in the district, whether revenue-paying or revenue-free, have disposed of their lands as follows:—

		Acres.	Per cent.
Reserved by the owners	...	28,255	1½
Leased to tenure-holders	...	1,417,038	76
Lease to raiyats	...	258,414	14
Granted free of rent	...	103,810	5½
Occupied by rivers, streams, roads, etc.	...	62,246	3

Of the area reserved only 5,000 acres are cultivated, which are chiefly situated in thanas Gaurnadi, Barisāl and Barabānaddin.

Lands in the occupation of owners of estates. The reserved lands usually consist of waste, sandy chars, *bil* and forest or of the residence and garden of the owner. They rarely comprise arable land. Assignees have reserved 7,000 acres more, chiefly waste. The waste in both cases is mainly to be found in Matbāriā, Galāchipā, Mehendiganj and the Sāhābāzpur Island.

164. The extent to which the owners have sacrificed their profits in the employment of middlemen is shown in the small proportion of their lands, which are held by the cultivator. Whereas nearly six times as much land is held by tenure-holders, the cultivators pay more than half the rent paid by the tenure-holder. Each acre held by a raiyat is worth

Sacrifice made by the owners in the employment of middlemen. 57 annas in rent to the proprietor, whereas each acre held by a tenure-holder only produces 19 annas.

Had they eschewed middlemen and dealt only with the cultivator, the owners would reap a profit of 50 lakhs from their estates, where they now reap a profit of only 16 lakhs. Moreover the rent which they take from the cultivator is much more moderate than the rent which the tenure-holder takes. In the 23 zamindaries the proportion of land leased to raiyats is only 11 per cent. despite the fact that in some it is very large; thus in Alinagar 88 per cent., Shāistābād 57 per cent., Rāmnagar 56 per cent., Idilpur 38 per cent., Habibpur and Haveli Selimābād about 30 per cent. On the other hand it is only 5 per cent. in Selimābād, 3 per cent. in Chandradwip and Arangpur, 1½ per cent. in Sāidpur and less than 1 per cent. in Dakshin Sāhābāzpur.

165. Grants free of rent are numerous rather than individually extensive. As the total number of such grants is nearly 26,000, their average area is in fact only 4 acres. The largest only measures 187 acres and there are only two more which exceed a hundred acres and seventeen more which exceed fifty acres. Almost all are grants to Brahmins. Many taluks contain no

Grants free of rent. such grants at all, and even amongst the zemindaris there are some entirely free of land held in mortmain; thus Dakshin Sāhābāzpur has only 14 acres and Idilpur only 2 per cent. of its area. Only in Chandradwip and Shāistānagar was an excessive proportion of the land so held, in Chandradwip 10 per cent. and in Shāistānagar as much as 21 per cent. It may be added that the island of Sāhābāzpur is

* I use the vague term "owner," because the holders of many Buzrugumadpur estates and some Sundarban estates, although permanently settled, are not entitled strictly to the technical appellation of "proprietor."

singularly devoid of land held free of rent, probably because it contains little or no land whose occupation much precedes British rule.

166. The total area held by rent-paying tenure-holders, who are tenants-in-chief*, may be summarised as follows:—

	Number.	Area in acres.	Rate of rent per acre.
In private estates—			Rs. A. P.
Permanently-settled ...	32,873	1,202,599	1 5 9
Temporarily-settled ...	2,398	151,726	1 13 4
Revenue-free ...	1,252	20,345	1 14 2
In Government estates ...	1,774	199,773	2 5 3
Total ...	38,297	1,574,443	1 8 7

There are 1,663 acres held at a produce-rent included in the foregoing figures, which are entirely situated in private estates. The average area of the

Tenures-in-chief.

tenures-in-chief as originally created (*i.e.*, including all shares subsequently separated) is 41 acres.

It is much larger in Government estates (113 acres) and in temporarily-settled private estates (63 acres) than in permanently-settled estates (37 acres) and is smallest in revenue-free properties (16 acres), which are themselves usually of small size. The average is brought down by the tenures in the large number of petty khārijā taluks and Buzrugumedpur mahals. In the zamindāris and the larger taluks the tenures-in-chief are usually very large and some are enormous. The largest are however often *nij* tenures of the owner or grants to junior branches of the family, when they are usually held at a pepper corn rent. The largest dependent taluk in the district is in Syedpur pargana and measures 12,119 acres with a rent of only 77 rupees. In this zamindari there are many large taluks, the five largest (of which three are *nij* taluks) comprising 30,000 acres and paying a rent of two annas an acre. There is another enormous *nij* taluk in Dakshin Sāhābāzpur with a rent of Rs. 6,728 and a rent-roll of Rs. 41,085. In both the great zamindaries of Chandradwip and Salimābād, there are ten tenures-in-chief which measure more than a thousand acres. In Chandradwip the largest is a *nij* taluk known as Jimbā Rājmatā, which holds 8,467 acres at a rent of Rs. 1,683; in Salimābād the largest taluk, the Telikhāli mahal of the Nawab of Dacca was also originally a *nij* taluk and is rented at Rs. 611 only on an area of 8,973 acres. The Kirttipāsā taluk covered 5,545 acres, but the rent is Rs. 10,688. Idilpur zamindari contains only one large taluk, belonging to the Ulāniā Mias, which measures 2,718 acres and is rented at Rs. 3,662.

167. The total number of tenures of all grades in the district is 464,003, of which 356,830 are original grants and 107,178 are shares subsequently separated, 52,151 being separations recognised by the landlord and 55,027 being separations not as yet recognised by the landlord. These tenures are distributed as follows:—

	RENT-PAYING.								RENT-FREE.						GRAND TOTAL.
	Assignments.		Tenures-in-chief.		Under-tenures.		Total.		Tenures-in-chief.		Under-tenures.		Total.		
	Original.	Shares subsequent-ly separated.	Original.	Shares subsequent-ly separated.	Original.	Shares subsequent-ly separated.	Original.	Shares subsequent-ly separated.	Original.	Shares subsequent-ly separated.	Original.	Shares subsequent-ly separated.	Original.	Shares subsequent-ly separated.	
In private estates—															
Permanently settled.	1,149	430	32,873	17,723	269,634	73,469	303,706	91,622	7,233	2,154	18,330	4,241	25,363	6,395	427,286
Temporarily settled.	19	10	2,398	1,031	10,202	3,118	12,709	4,150	3	...	28	...	31	...	16,899
Revenue-free ...	30	26	1,252	243	5,387	1,197	6,669	1,376	155	...	117	12	272	36	8,353
In Government estates.	4	1	1,774	893	6,019	2,679	7,797	3,573	83	10	50	7	83	17	11,470
Total ...	1,202	467	38,297	19,980	291,382	80,373	330,881	100,730	7,424	2,183	18,525	4,260	25,940	6,448	464,008

* I have treated holders of assignments as *de facto* owners of the estate and not as tenants-in-chief in preparing this paragraph.

This gives a density of 133 in every square mile of land area and of 170 in every square mile in which proprietors have created tenures at all. They

are most numerous in the Sadar subdivision and least numerous in the Dakshin Sāhābāzpur subdivision. The number per square mile in the occupied land area each thana is as follows :—

Sadar subdivision ...	250	Pirozpur subdivision ...	173	Patuākhali subdivi- ...	173	Sāhābāzpur subdivi- ...	25
Jhālakūti ...	470	Bākarganj ...	809	sion. ...	...	sion. ...	...
Nalchhiti ...	460	Pirozpur ...	228	Gaurnadi ...	128	Mehendiganj ...	50
Barisal ...	396	Bāuphal ...	168	Patuākhali ...	106	Galachipa ...	47
Bhāndāri ...	342	Swarupketi ...	148	Matubaria ...	88	Barahānaddin ...	28
				Amali ...	58	Bhola ...	21

The variation is however more by estate than by locality; thus in the four largest zamindāries in the district while Selimābād counts 100,288 and Chandradwip 69,121 tenures, Idilpur contains only 2,307 and Dakshin Sāhābāzpur only 5,651. The zamindāries as a whole contain 213 tenures in every square mile, although only 40 are enumerated in Dakshin Sāhābāzpur, 30 in Habibpur, 20 in Idilpur and 3 in Alinagar. On the other hand Shāistānagar has actually nearly 800 to the square mile and Shāhāzādpur 540, while Chandrawip has 345, Sāidpur 323, Selimābād and Hāveli Selimābād 300, Arangpur 266. In revenue-free properties the density of tenures is 280 to the square mile and amongst the permanently-settled taluke 116 to the square mile. It is generally much greater amongst the larger taluks than amongst the smaller. Thus there are 25 taluks of over 500 acres which contain a tenure in every 2 acres and 11 taluks which average a tenure to the acre. The greatest subinfeudation is found in the khārīja taluks of Chandradwip pargana, of which one (tauzi No. 1750) contains 900 tenures in 553 acres, while three more contain over 900 tenures to the square mile.

In the temporarily-settled area, the density is much less, in private estates 57 tenures to the square mile and in Government estates only 16. In the latter there is a very large area which is unoccupied waste besides a considerable area in which settlement has been made of design with cultivators.

168. A complete list of the designations of all the original tenures in the district is given in Appendix 5. The total of the different rent-paying classes including their derivatives, but excluding separated shares :—

Designation of tenures.

Dependent taluks ...	26,895	Mirās ...	269
Jimbas ...	4,678	Pattās ...	449
Pattanis ...	115	Karshās ...	35,507
Hāolās ...	206,822	Baiyatis ...	2,562
Ijārās ...	37,265	Jotes ...	15,140
Mālguzārs ...	861	Miscellaneous ...	719

The total of the different rent-free classes is :—

Brahmatras ...	19,269	Niskars ...	1,373
Āyamās ...	1,619	Debatras ...	1,055
Miscellaneous ...	2,365		

Altogether there are 431 different titles amongst rent-paying tenures, employing in various combinations 107 revenue terms, while there are 147 different titles amongst the rent-free classes, employing 100 revenue terms, of which 45 are also in use in rent-paying tenures. An explanation of the 162 distinct terms is given in Appendix 5. Most of those describing rent-paying tenures are derived from Muhammadan sources, while in rent-free tenures the majority have a Hindu root. Some are tautological or meaningless, apparently the result of caprice. The most common indicate permanence, heritability or unchangeability of rent. Others connote mere subordination or are descriptive of the origin, character or some special incident of the tenure.

169. Amongst this vast multitude of tenures only 512 are temporary in their duration. The others are permanent, heritable and transferable. Except tenures in temporarily-settled estates and a few others all are held at a rent or a rate of rent fixed in perpetuity. There are rarely any special conditions

and what special conditions there are, such as residence, are usually in practice a dead letter. The creative lease of very few of the older tenures is still extant, if it ever existed, but most of the modern tenures were created by a registered document. The rights of the older tenures are based on custom and universal recognition, by which the tenure-holder is secured in an unfettered control over the land and the tenants in his tenure, provided only that he pays the covenanted rent, which is unchangeable, at the covenanted season.

170. There is one class of tenure which is an exception to these generalisations. This is the *jote* with its derivatives. The *jote* is not an indigenous name for a tenancy in Bākarganj, but was introduced into the district through the temporarily-settled area by revenue officers who had been employed in other districts, where the term is in general use. In those districts it is a colourless designation corresponding to the English "tenancy" and connoting neither the rights of tenure-holder nor *raiyyat*. In the temporarily-settled area of this district, it was similarly applied to large and small leases and, although the holdings are naturally more numerous, there were many undoubted tenures under this designation, such for example as those of enormous size held by the zamindars of Shāistābād and the Nawab of Dacca. Those which were by size and origin clearly tenures

The *jote*. within the meaning of the Tenancy Act were classified as tenures and are included in the appendix. They are permanent, heritable and usually transferable, but not held at a fixed rent or rate of rent. The same designation was applied during the preparation of the record-of-rights to all tenancies which were held by *bhadralok* and other non-cultivators under the indigenous name of *karshā*, including both tenancies of which the origin was obscure and tenancies which had been purchased or inherited from cultivators. No quarrel could properly be made with the classification in the former case, but in the latter case the present law, although the point is not free from doubt, appears to proceed on the assumption "once a *raiyyat* always a *raiyyat*," in which case the classification is erroneous.* *Jotes* of this kind are permanent and heritable, but held at a rent which is liable to alteration and not usually transferable.

171. Another special class of tenure, about which little information was gathered, is the tenure paying rent in kind, of which 2,000 were enumerated in the district. A few occurred in all thanas, but most in Bārisāl, Pirozpur, Galāchīpā and Jhālākāti. Very few were *jotes* and all with the exception of two or three were *dhānkarāri* and not *bargā* tenancies. All were classified as permanent and heritable and all except the *jotes* as transferable and held at a fixed rent or rate of rent. The great majority were held by cultivators and only about one quarter were sublet, while the landlord was almost always a Hindu and in about half the cases a Brahmin.

172. Amongst the smaller tenure-holders residence within the tenure or at least within the village is common and amongst the holders of the larger tenures residence within the tenure or at least within the estate is not uncommon. But as in the case of estates, the owner of a tenure is owing to the operation of the laws of inheritance very rarely a single individual and in most of the larger tenures and not a few of the smaller tenures one of the partners has sold his share to strangers. In some parts of the district absentee tenure-holders are very common, thus the majority of the tenure-holders of the Patuākhāli subdivision and the Sundarbans live in the north of the district and particularly in the thanas Jhālākāti, Nalchhiti and Gaurnadi. Absenteeism is even more prevalent in the Sāhabāzpur Island, where many of the principal tenure-holders belong to other districts.

173. Where there are so many layers of tenure-holders in the ordinary estate, it would be impossible to give a complete account of the total amount of land held under the different grades or the proportions reserved or sublet and the amount of cultivation in them or of the average rent payable; nor would an account be of any value. It is possible however to give general

*See also paragraphs 318, 320 and 363, where the subject is discussed in more detail.

figures showing the amount of land reserved by the whole body of tenure-holders. This amounts to 606,548 acres, of which 598,936 acres are held by rent-paying tenure-holders and 7,612 acres by rent-free tenure-holders. This is 36 per cent. of the land leased on rent to tenure-holders-in-chief and only 7 per cent. of the land granted rent-free. The rent-free area chiefly consists of the homesteads and gardens of the beneficiaries. Amongst

The cultivating tenure-holder and his distribution.

rent-paying tenure-holders 68 per cent. of the reserved area is cultivated. The proportion of the total occupied area and the total cultivated area in the actual occupation of tenure-holders in the different thanas is:—

	Of the total area. Per cent.	Of the cultivated area. Per cent.		Of the total area. Per cent.	Of the cultivated area. Per cent.
Bhāndāriā ...	55	53	Bākarganj ...	26½	26
Jhālakāti ...	45	45	Galāchipā ..	25	21½
Matbāriā ...	45	44	Patuākhāli ...	24	23
Nalohhiti ...	39	37	Barahanaddin ...	24	21
Pirozpur ...	36	36	Bāuphal ...	18	17½
Swarupkāti ...	35	29	Bholā ...	14	14
Āmtali ...	29	35	Mehendiganj ...	13½	12½
Barisāl ...	28	26	Gauradi ...	12	10½

The cultivating tenure-holder is found most frequently in the south of the district and most rarely in the two northern thanas and the Sāhābāzpur Island. Thus while the proportions in the Pirozpur subdivision as a whole are 42 and 39, in the Dakshin Sāhābāzpur subdivision as a whole they are only 20 and 17½. In the zamindāries tenure-holders occupy the largest proportions of the total area in Bāhādurpur (58 per cent.), Sāidpur (56 per cent.), Selimābād (44 per cent.), and Chandradwip (36 per cent.), and the smallest in Alinagar (1 per cent.), Idilpur, Shāistābād and Rānnagar (7 per cent.), Nāzirpur 10 per cent.), and Sultānābād (14 per cent.). In Shāistānagar and Sāhāzādpur despite the multitude of tenures and in Dakshin Sāhābāzpur despite their paucity the area occupied by tenure-holders differs little from the general average.

Statistics have been collected of the number of tenures in the district, of which the land is wholly or almost wholly reserved by the tenure-holder for his own occupation. They amount to 165,088 or rather more than a third of all tenures in the district, but they cover 58 per cent. of the land reserved by all tenure-holders, although each tenure on the average measures only about 2 acres. They pay an average rent of Rs. 3-8-5 per acre, which is substantially less than the rate paid by raiyats. They are more numerous (41 per cent. of all tenures) in the greater zamindāries, but in the average even smaller in size. In the zamindāries of Shāistānagar and Sāhāzādpur, where subinfeudation is so heavy, they are 30 per cent. of all tenures, but so small that in the average they measure hardly an acre. In the parganas of Chandradwip and Selimābād they also number about 30 per cent. of all tenures and are in the average very small. In Arangpur where they are less numerous, they are also small. They are most numerous in Sāidpur (36 per cent.) and in Dakshin Sāhābāzpur (56 per cent.), where they are much larger than elsewhere. In Sultānābād and Idilpur they form a smaller proportion of all tenures than in other zamindāris, but their area is greater. In rent the rate is singularly low in the Habibpur marshes and in Krishnadebpur (only 8 annas an acre), where the tenures are very old and have benefited much by unassessed alluvion: on the other hand the rate is as high as Rs. 4-10 in Chandradwip, Rs. 5-7 in Bāhādurpur, and Rs. 6-9 in Idilpur, where the tenure-holder was made to pay for his privileges and security.

174. The pure middleman holds 45 per cent. of all the tenures in the district, while 20 per cent. are held by tenure-holders who partly sublet and partly reserve. The average size of these tenures is naturally much larger than of those cultivating tenure-holders. The number of pure middlemen is considerably less (37 per cent.) in the temporarily-settled area and in Government estates nearly half of all the tenure-holders partly sublet and partly reserve owing to cultivators being given an area too large for cultivation by their own exertions. Amongst

the greater zamindāries, the pure middlemen is most numerous in Shāistānagar (60 per cent.), as might be expected, and in Sultānābād (68 per cent.). The tenure-holder who partly cultivates and partly sublets is prominent in Idilpur (40 per cent.) and Selimābād (38 per cent.).

175. The total area held by raiyats is 1,389,431 acres as follows :—

AT A CASH RENT.					
	Acres.	Average rate of rent per acre.			At a produce-rent.
		Rs.	A.	P.	Acres.
From owners and their assigns	402,958	3	11	10	3,934
From tenure-holders ...	925,917	4	13	4	56,572
Total ...	1,328,875	4	8	0	60,556

It will be noticed how much less exacting as a class owners are than tenure-holders. The area held on a produce-rent is entirely in the permanently-settled area, where it amounts to over 6 per cent. of the whole area held by raiyats, whereas in temporarily-settled private estates it amounts only to 2 per cent. and in Government estates to 3 per cent. Raiyats hold

63 per cent. of the land area in the district, excluding rivers, roads and public buildings, but including waste. Amongst the greater zamindaries they hold almost all the land in Idilpur, Habibpur and Sultānābād, but only 35 per cent. in Sāidpur and 55 per cent. in Selimābād. They hold also most of the land in Birmohan and Bangrora. They hold 73½ per cent. of the total land area in the Sadar subdivision, 63 per cent. in the Dakshin Sāhābāzpur subdivision, 56 per cent. in the Patuākhāli subdivision and 51½ per cent. in the Pirozpur subdivision. Their stake in the different thanas is as follows :—

	Per cent.		Per cent.		Per cent.		Per cent.
Gaurnadi ...	85	Patuākhāli ...	75	Pirozpur ...	63	Jhālākāti ...	54
Mehendiganj ...	80	Bākarganj ...	71½	Galāchipā ...	61	Matbāriā ...	43
Bāuphal ...	80	Barisāl ...	69	Nalchhiti ...	59	Bhāndariā ...	41½
Bholā ...	80	Swarupkāti ...	64	Barabānaddin ...	58	Āmtali ...	39

176. The total number of holdings is 565,531, of which 524,465 are held at a cash-rent and 41,066 at a produce-rent. The average size of a holding is therefore 2.51 acres, but the holdings held at a cash-rent are generally much larger (2.54 acres) than the holdings held at a produce-rent (1.48 acres). Holdings of both kinds average much smaller in the Sadar than the other subdivisions; indeed holdings at a produce-rent average less than

an acre in size in that subdivision. The average holding at a cash-rent covers little more than an acre in Barisāl, Nalchhiti and Jhālākāti thanas and less than 2 acres in Bākarganj, Bhāndariā and Pirozpur. It is 2 acres in Gaurnadi, 2½ in Patuākhāli, nearly 3 in Bāuphal and Bholā, 3½ in Swarupkāti, Mehendiganj and Mātbariā, 4 in Barabānaddin, 5 in Āmtali and nearly 6 in Galāchipā. Generally therefore it is small in the north and older part of the district and large in the south and the new alluvium. The apparent exceptions in Gaurnadi and Swarupkāti are due to the extensive marshes, where large holdings are the rule. The fields of the holding are not generally in one compact block and not always contiguous to the homestead, although they are more scattered in the northern than in the southern thanas.

177. The raiyats in these holdings were classified as follows :—

Raiyats at fixed rates ...	2,150	Occupancy raiyats ...	2,064
Settled raiyats ...	5,45,748	Non-occupancy raiyats ...	15,569

The raiyats holding at fixed rates are almost entirely in Mehendiganj and the Sāhābāzpur Island and were so classified, because they successfully raised the presumption

that their rent had never been changed by proving that it had not been changed.

for 20 years. The number of such raiyats is very few, but it is probable that in the Sāhābāzpur Island and the older parts of the district there are many raiyats, who did not through ignorance produce the proof which would have allotted them to this class. Those recorded belong chiefly to Dakshin Sāhābāzpur and Ratandi Kālikāpur parganas in the Sāhābāzpur Island and to Idilpur pargana in Mehendiganj. The occupancy raiyats as distinct from settled raiyats are almost entirely to be found in the Sāhābāzpur Island, where sale of holdings is common. They are an insignificant body. Non-occupancy raiyats are more important. They occur chiefly in the new chars of the different thanas, but are only numerous in Amtali (10,267 acres) and Barahanaddin (12,000 acres). They hold 2 per cent. of the total and of the cultivated area, but 4 per cent. in the Sāhābāzpur Island. Except in Government estates occupied by raiyats, the great majority, if not all, of these non-occupancy raiyats have obtained their holdings on payment of *selāmi*, so that although they may not have legally an occupancy right, they have morally and in fact a right of permanent occupation.* The settled raiyats include 40,398 raiyats at a produce-rent. Of these the *bargādār* who pays a share, one-third or one-half of the produce, is not considered to be more than a tenant-at-will, although he was correctly classified as a settled raiyat and was entitled under the law to a right of occupancy.

Rights.

In other cases the occupancy right is probably a real security to the tenant, as eviction has gradually died out since the Bengal Tenancy Act. Arbitrary eviction still occurs however in the south of the district, where ignorance of the law is profound and the courts are very distant. The rights of raiyats in the matter of trees and transfer are discussed elsewhere* and it is only necessary here to note that while in trees the right of the cultivator is absolute throughout the district, there is more variety in customs of transfer. In many estates the transfer of holdings is forbidden successfully, but in most it is nominally denied, although the prerogative of the landlord is only asserted to benefit his pocket by the exaction of a fine. In the Sāhābāzpur Island transfer of holdings is general, but not universal. In Government estates it is universal, although never apparently expressly sanctioned.

178. As might be expected the greater part of the land held by raiyats is actually under cultivation so that raiyats generally hold a much larger proportion of the cultivated than of the total area in each thana. Amongst occupancy raiyats 82 per cent. and amongst non-occupancy raiyats 70 per cent. of the total land of the holdings is cultivated. In some thanas the proportion rises as high as 87 per cent. and it only falls below 80 per cent. where there is much sand in char holdings or where the large *bil* holdings contain much marsh still undrained in an ordinary year. Where raiyats hold only 63 per cent. of the occupied area of the district, they hold 72 per cent. of the cultivated area. They hold more than 74 per cent. in all the subdivisions except Pirozpur, where the proportion is reduced to 60 per cent. In the different thanas it amounts to—

Amount of cultivated area held by raiyats.

	Per cent.		Per cent.		Per cent.		Per cent.
Gaurnadi ...	87½	Galāchipā ...	78½	Barisāl ...	72½	Nalchhiti ...	62
Mehendiganj ...	86½	Barahanaddin ...	78	Swarupkāti ...	71	Matbāriā ...	56
Bholā ...	86	Patnākbalī ...	76	Amtali ...	65	Jhālākāti ...	54
Bāuphal ...	82	Bākarganj ...	73	Pirozpur ...	63	Bhāndāriā ...	47

The only point worthy of remark is the much greater proportion of the cultivated than of the total area which is held by raiyats in the thanas with large areas of forest and grass, proving that cultivators leave little forest unreclaimed.

179. The average rent paid by the Bākarganj raiyat is very moderate and amounts certainly to no more than one-tenth of the nett value of the crop. It is however moderate chiefly because of the great and steady rise in prices. Enhancements of rent have not generally kept pace with the rise in prices since 1870, so that a rent which was severe in that year had lost its sting in

* See also paragraphs 321-2, 327-8, where classification, trees and transferability are dealt with at greater length.

1895. The very great rise in prices which has occurred in the first ten years of the present century has been accompanied by little or no rise in rents, which is chiefly to be ascribed to the preparation of a record-of-rights. As a result

Rent of raiyats.

rents which had lost their severity in 1895 have become actually mild in 1914. The average rate of rent paid by raiyats at fixed rates is naturally less than that paid by other raiyats. But they are so few that the fact is worth no more than the bare chronicle. The same remark applies to occupancy raiyats. Amongst non-occupancy raiyats, who are a far more numerous body, rents while low in the average reach an enormous figure in some thanas. They are lower than the rents of settled raiyats in the chars of Galāchipā and Barahānaddin and in the forests of Āmtali, where non-occupancy raiyats are themselves most numerous, probably because low rents are necessary to attract settlers. They are higher than the rents of settled raiyats in the chars of Mehendiganj, where there is a demand for land; and in densely populated thanas such as Jhālākāti, Barisāl and Pirozpur they are very high indeed.

The average rent paid by the main body of settled raiyats is Rs. 4-8-10 per acre, but it varies very considerably, being somewhat less in the Sadar and Pirozpur subdivisions, much less in the Sāhābāzpur Island and much more in the Patuākhāli subdivision. The thana figures are as follows:—

	Rs.	A.	P.		Rs.	A.	P.		Rs.	A.	P.
Gaurnadi ...	2	9	10	Mehendiganj ...	4	14	6	Mābhariā ...	5	8	7
Barahānaddin ...	2	13	7	Jhālākāti ...	4	15	0	Bākarganj ...	5	14	2
Swarupkāti ...	2	13	8	Barisāl ...	4	15	8	Āmtali ...	6	2	7
Bholā ...	3	7	0	Bhāndariā ...	5	1	7	Patuākhāli ...	6	5	2
Galāchinā ...	4	7	8	Nalchhiti ...	5	4	6				
Pirozpur ...	4	12	6	Bāuphal ...	5	4	9				

It will be seen that the Sāhābāzpur Island is the paradise for cultivators. Its land is in general much more fertile than the land of Gaurnadi and Swarupkāti, where also the average is depressed by the low rate of rent in the marshes, while it would in any case be much increased by a valuation of the produce rents which are common in both thanas. The highest rates are found in the Buzrugumedpur jinnī mahals and the resumed mahals of the Sundarbans; but these mahals probably contain the most productive land in the district. In these mahals enhancements of rent have been particularly severe in the last 20 years, as also in Sundarban estates, where at least the principle underlying the first proviso to section 178, Bengal Tenancy Act, might have been pleaded in extenuation. Comprehensive en-

Enhancements.

enhancements have also occurred within the same period in many estates in southern Swarupkāti, Pirozpur, Galāchipā and Bāuphal, where the same justification was not available. Where the great bulk of the raiyats hold under a multitude of middlemen, general enhancements in any large tract are impossible and the rent of each individual raiyat depends upon the generosity and strength of the individual landlord. As a result, rents are everywhere very unequal and it is only possible to record the general position that heavy enhancements have been confined to a third or a fourth of the whole body of landlords and that a proportion equally large has made no enhancements at all.

180. Produce rents are paid in 5 per cent. of the total raiyati area, but

Rent in kind.

while they hardly exist in Mehendiganj and the Sāhābāzpur Island and are few in Patuākhāli subdivision apart from Galāchipā thana, they cover 10 per cent. of the raiyati area in Pirozpur subdivision and 8 per cent. in the rest of the Sadar subdivision. They are found therefore chiefly in the area where the *bhadralok* live. They are of two kinds, *bargā*, the most numerous, where a proportion such as a half or a third of the crop is paid, and *dhānkarāri*, where a specific amount of produce is paid. In both cases the produce sells at a far greater price than the highest cash rents prevailing in the neighbourhood. Holdings paying a rent in kind have increased greatly in the last quarter of a century. It is to be feared that in the areas where they prevail not only are most new tenancies granted with this liability, but many old cash-paying holdings have been

converted into produce-paying holdings. Whatever their legal incidents, *bargā* tenancies are locally regarded as tenants-at-will or in the most advanced areas as mere agricultural labourers.*

181. Subinfeudation has been carried lower than the raiyat so that there are not only 76,120 under-raiyats, but 2,545 more of the second degree and even 94 of the third and lower degrees. Under-raiyats hold 81,784 acres, or 6 per cent. of the area held by raiyats, and their holdings average little more than an acre in size, although reaching two acres in Āmtali, Gālāchipā and Barahānaddin. Only 2,336 acres are held by under-raiyats of the second degree and 53 acres by under-raiyats of the third or lower degrees. Under-raiyats held 7 per cent. of the raiyati area in the Sadar subdivision, 5 per cent. in Patuākhālī and Dakshin Sāhābāzpur, 3½ per cent. in Pirozpur. They are most numerous in Mehendiganj (12 per cent.), Jhālākāti and Nalchhiti. The average rent paid by under-raiyats per acre is Rs. 7-3-9, by under-raiyats of the second degree Rs. 7-13-4 and by under-raiyats of the third degree Rs. 9-14-7. The rents paid by those of the first degree are curiously low in Swarupktāi (Rs. 3-3-1), where they are chiefly found in the marshes, and in Barahānaddin (Rs. 4-3-4) where they are however 50 per cent. higher than the average raiyati rent. In Jhālākāti, Bākarganj, Mehendiganj, Āmtali and Bhola they are more than eight rupees per acre, and in Patuākhālī thana they reach the very high figure of Rs. 9-10-10. By law the under-raiyat is little more than a tenant at-will; but in Bākarganj the great majority of under-raiyats, excluding those paying rents in kind, have a permanent lease of their lands, very often in writing. It is probable that very few under-raiyats existed in 1885, certainly most of the holdings were created after that date.

182. The total number of rent-free tenants in the district is 40,886, 36,397 with the status of tenure-holders, 4,247 with tenure-holders as their landlords and 242 with raiyats as their landlords. The land in the immediate occupation of tenure-holders, who are ordinarily Brahmins, is only 7,612 acres and in the immediate occupation of raiyats and under-raiyats, who are ordinarily barbers, washermen, and ferrymen, 4,000 acres. Of the latter one-half is found in the tracts inhabited by the high-caste Hindu. The cultivated area is 63 per cent. of the total area occupied by rent-free tenants, but a large part of this is garden, while much of the uncultivated area is covered by the homesteads. A good deal of paddy land in rent-free holdings has been sublet to cultivators.

183. It will be convenient to summarise the figures, which display the extent to which the different classes of tenants actually occupy the land:—

Summary of occupation of the land.

Proprietors (chiefly Government)	211,814 acres, of which 2 per cent. is cultivated occupy.
Rent-paying tenure-holders	598,936 68
Rent-paying raiyats with occupancy right.	1,346,726 82
Do. without occupancy right.	42,681 70
Rent-free tenants	11,305 63

Of the area held by raiyats 81,784 is occupied by under-raiyats.

The proportion of the total area held by the different classes in each subdivision is—

Subdivision.	By proprietors including Government.	By rent-paying tenure-holders.	By rent-paying with occupancy right.	Raiyats without occupancy right.	By rent-free tenants.
Sadar ...	2½	23	72	1½	1
Patuākhālī ...	16½	25½	56	2	½
Pirozpur ...	5	42	51½	1	½
Dakshin Sāhābāzpur ...	13	20	63	4	½
The district ...	1½	27	61	2	½

* More information regarding rents will be found in paragraphs 331-333 and in Appendix G.

The proportion of the cultivated area held by the different classes in each subdivision is—

Subdivision.	By proprietors including Government.	By rent-paying tenure-holders.	By rent-paying with occupancy right.	Raiyats without occupancy rights.	By rent-free tenants.
Sadar	23	75	1	$\frac{1}{3}$
Patuākhali	25 $\frac{1}{2}$	72	2	$\frac{1}{3}$
Pirozpur	39	60	$\frac{1}{2}$	$\frac{1}{3}$
Dakshin Sāhābāzpur	17 $\frac{1}{2}$	76 $\frac{1}{2}$	5	$\frac{1}{3}$
The district	27	70	2	$\frac{1}{3}$

CHAPTER IV.

MATERIAL CONDITION OF THE AGRICULTURAL CLASSES.*

184. Bākarganj is one of the chief rice exporting districts in Bengal. Estimating the agricultural population in 1901 at 1,800,000, the average crop in a normal year at 16 maunds *āman* and 10 maunds *āus* and the amount of rice required for the daily subsistence of the average inhabitant at three-quarters of a *ser* and for seed as 20 *ser*s an acre, the surplus of rice available for sale by the agricultural population would be 10 million maunds or 44 per cent. of the total crop, while after satisfying the requirements of every inhabitant of the district there would be a surplus for export of nearly 7 million maunds or 30 per cent of the crop. It is impossible to test the latter figure by comparison with the export and import trade, as most of the rice traffic is carried by country boat, of which no record is kept.

185. The gross value of the agricultural produce of the district at average prices at the period of the settlement operation was about 9 $\frac{1}{3}$ crores of rupees. The total rental of the district cannot be exactly stated, owing to the amount of land reserved by tenureholders, but it may be approximately estimated as follows:—

For land occupied by under-raiyats—				Rs.
76,610	acres on cash rents	...	...	5,56,000
5,174	„ „ produce rents	at	Rs. 20 per acre	1,04,000
For land occupied by raiyats—				
1,252,265	acres on cash rents	...	...	56,35,000
53,382	„ „ produce rents	at	Rs. 15 per acre	8,31,000
For land occupied by tenure-holders—				
329,339	acres on cash rents	at	Rs. 3-8-5 per acre	11,61,000
265,230	„ „ „ „	„	Rs. 2-8-0 per acre	6,63,000
4,367	„ „ produce rents	about	Rs. 12 per acre	50,000
Total				90,00,000

This is less than 10 per cent. of the value of the gross produce. In the different thanas and subdivisions it may be estimated as follows:—

SUBDIVISIONS.

Sadar 9 $\frac{1}{2}$ per cent. Patuākhali 11 per cent. Pirozpur 11 per cent. Sāhābāzpur 7 per cent.

* See also Appendix No. 6 (IV, V, VIII—X).

THANAS.

	Per cent.		Per cent.		Per cent.		Per cent.
Barahānaddin ...	6·2	Jhalakāti ...	8·9	Barisal ...	10·5	Matbariā ...	11·2
Bholā ...	7·4	Mehendiganj ...	9·4	Galāchhipa ...	10·8	Bhāndāriā ...	11·5
Gauradi ...	8·	Bākarganj ...	9·6	Nalchhiti ...	10·4	Amtali ...	11·7
Bāuphal ...	8·4	Swarupkāti ...	9·6	Patuākhāli ...	11·2	Pirozpur ...	11·9

186. To estimate the nett value of the produce is a difficult task. There are certain obligatory deductions to be made, such as the purchase of seed and agricultural implements and the purchase and up-keep or hire of cattle, while the hire of labour is also obligatory in large holdings. The earnings of the local labourer cannot properly be treated as a deduction from the profits of the agricultural population considered as a whole; but a great

deal of labour is imported from other districts.

Extent and cost of hired labour. For *rabi* crops and jute there is little hired labour, and that exclusively local. The heavy labour required in the production of sugarcane is also local. As regards the rice crop cultivators in the north of the district generally do their own ploughing and sowing, but in the Patuākhāli subdivision one-half and in the Pirozpur subdivision one-quarter employ hired labour, which they recruit locally or from the north of the district. In transplantation the amount of hired labour is rather less, but Noākhāli labourers (*bādīā*) are employed in the south-east of the district and in Sāhābāzpur. Harvesting of the *aus* crop is almost entirely done by hired labour in the mainland except in Gauradi, as cultivators are at that time fully occupied in the transplantation of *aman* paddy. Of this labour about one-half is local in the north of the district and the remainder is obtained from Faridpur, Dacca and Jessore. In Mehendiganj and the Sāhābāzpur Island about one-half of the cultivators employ hired labour both in the *aus* and the *aman* harvest, recruiting labourers chiefly from Noākhāli, but also from Dacca, Faridpur and Tippera. The *aman* harvest is usually harvested by the cultivator himself in the north of the district, but only one-quarter in the thanas Bhāndāriā and Matbariā and even less in the Patuākhāli subdivision and Bākarganj thana. Of the labour employed in the south about one-third comes from the north of the district and another third from Faridpur, while the remainder is procured from Noakhali, Dacca, Jessore and even Pabna and Mymensingh. Wages are good, for harvesting one-sixth to one-eighth of the crop and for other processes:—

	PLOUGHING, SOWING, WEEDING, ETC.		Transplanting.
	By the month.	By season.	
	Rs.	Rs.	Rs.
In the north ...	7	35	12
In Pirozpur and Sāhābāzpur subdivisions.	8	40	15
In Patuākhāli subdivision ...	...	50	20

The imported labourer obtains food and clothing in addition, but not the local labourer who works only in the morning. Transplantation by one neighbour for another is usually paid at the nominal rate of Rs. 2 per *bigha*. Husking is done entirely by the cultivator's womenfolk, except by 20 per cent. in Bākarganj and Bāuphal and by 10 per cent. in Mehendiganj and the Sāhābāzpur Island.

187. In the following table, which aims at appraising the cash value of the nett crop to the agricultural classes, full deduction has been made for foreign labour, but no deduction has been made for local labour. As there is no class of landless labourer in the district, it is not worth while to separate the earnings of agricultural labourers. The table therefore represents the total nett earnings of the agricultural classes in the district, whether they work for hire or not. Allowance has been made for rent at the actual rent

Nett value of the crop to the agricultural classes.

paid by raiyats in the thana and an estimate for land held by tenure-holders. A table of this kind can never lay claim to any great accuracy, and it is only intended to be a rough approximation of the nett cash value in the first decade of the twentieth century of agricultural produce to the cultivators:—

*Nett annual value of agricultural produce.**

[Figures in thousands of rupees]

	Aman rice.	Aus and Boon rice.	Jute.	Sugar-cane.	Other crops.	Trees.			Ban-boo and grasses.	Grand total of agricultural produce.	Esti- mated rental.	Per- centage of rent on total nett value of pro- duce.
						Betel- nut.	Coco- nut.	Date- palm.				
	Rs.	Rs.										
Gaurnadi	34.35	4.58	6.93	1.47	4.42	1.45	68	52	9.18	56.53	5.26	9
Mehendiganj	32.51	2.29	10.26	1.24	7.75	10.67	70	39	3.42	68.66	7.55	11
Jhalakati	25.81	2.68	33	44	47	6.93	6.55	24	1.23	42.68	4.21	10½
Nalchhiti	13.67	2.85	6	64	60	2.25	66	14	42	21.09	2.61	12½
Bākarganj	26.63	5.78	6	26	1.05	4.62	1.62	20	70	41.02	5.02	12
Barisal	21.84	4.65	2.50	2.45	2.44	3.29	75	10	1.42	39.63	4.58	12
Sadar subdivision ...	1,52.82	22.53	20.28	0.40	16.60	28.51	10.81	1.69	9.37	2,39.61	29.60	11
Patuakhali	52.94	4.48	1	18	62	4.29	2.95	27	70	66.42	9.48	14
Nauphal	32.40	5.11	7	7	4.60	1.79	1.09	19	49	46.71	4.96	11
Amali	64.89	2.33	1	12	34	44	50	7	66	69.36	10.82	16
Gaichipā	50.43	50	...	7	1.41	33	1.60	6	1.30	56.10	7.81	14
Patuakhali subdivision	2,00.66	12.42	9	42	6.37	6.85	5.54	59	3.15	2,26.59	33.07	14
Swarupkati	27.59	4.25	16	13	1.10	2.09	3.37	16	79	39.63	4.48	11
Pirozpur	17.89	5	...	19	25	5.27	3.67	20	18	27.70	3.71	13
Bhāndariā	17.06	1.31	1	16	22	90	72	9	59	20.86	2.99	14
Matbāriā	37.23	60	3	28	28	1.33	2.61	25	1.66	44.27	6.07	14
Pirozpur subdivision ...	99.77	6.31	20	75	1.55	8.49	10.37	70	3.02	1,32.46	17.25	13
Bhok	31.54	2.03	26	56	5.59	14.77	16	3	1.68	57.67	5.04	9
Barabānaddin	40.84	2.39	7	19	5.59	11.60	82	13	1.04	69.67	5.08	7
Dakshin Sāhābāzpur subdivision.	78.78	5.07	23	75	11.18	26.37	98	16	2.72	1,26.34	10.13	8
Total District	5,32.03	46.53	20.84	8.32	36.56	71.62	27.70	3.14	18.26	7,65.00	80.00	12

Deducting rent, the average income of the agricultural family is Rs. 188 in the district or in the different subdivisions, Rs. 223 in the Sāhābāzpur subdivision, Rs. 224 in Patuākhālī, Rs. 183 in Sadar, and Rs. 131 in Pirozpur. The poorest thana is clearly Bhāndariā, while Pirozpur is little better off. In the north Gaurnadi, Swarupkati and Nalchhiti contain the least prosperous agriculturalists. In Bhāndariā and Pirozpur this comparative poverty is a modern development due to the Baleswar and Kachā rivers becoming saline and should pass away as the cultivator changes his methods to meet the new conditions.

An article† was recently published comparing the income, revenue demand and conditions of typical agricultural villages in Italy and in Madras. It may be interesting to add Bākarganj to the comparison:—

	Area in acres of village.	Population.	Value of gross produce.	Value per acre.	Nett value of produce (excluding also rent).	Nett income from an acre.
			Rs.	Rs.	Rs.	Rs.
Italy	2,000	1,300	90,000	45	40,000	20
Madras	2,500	1,300	70,000	28	25,000	10
Bākarganj	2,000	2,200	90,000	45	65,000	32½

* The value of paddy has been calculated at Rs. 2 per maund and the value of other crops at average prices in the decade 1901-10. The outturn of winter rice has been estimated at 16 maunds per acre as the general average for the district, but allowance has been made for differences in fertility in the different thanas. I believe comprehensive investigations would show that the real outturn is somewhat higher throughout and considerably higher in Bhāndariā, Matbāriā and Pirozpur than the figure used in this table, although it was based upon the reports of the settlement staff.

† "Land cess in Italy and India," Indian Review, 1914.

It is not clear why there should be so large a difference between the value of the gross and the value of the nett produce in Italy and Madras. In Italy at least much of the labour is hired, apparently from outside the village, and wages are high; more also is spent upon cattle and their food than in India. "The net income," as the writer of the article remarks, "is something of a fiction in the case of populations composed chiefly of peasant proprietors." The tax-collector makes the following demands in these villages:—

	TAXATION.				PROPORTION PER CENT.		PER HEAD OF POPULATION.			
	Government land tax.	District Board cess.	Village taxes.	Total.	Of gross produce.	Of nett produce.	Income, gross.	Nett.	Taxation.	Left to cultivator.
	Rs.	Rs.	Rs.	Rs.			Rs.	Rs.	Rs.	Rs.
In Italy	2,978	1,130	7,634	11,742	13	29	70	30	9	21
In Madras	3,000	...	250	3,250	5	13	55	19	2½	17
In Bākārganj	1,000	500	450	1,950	2	3	41	30	1	29

The land tax in Bākārganj refers to the permanently-settled area. In the temporarily-settled area it would be three or four times as great.

The Bākārganj cultivator comes well out of the comparison. His nett income is equal to that of the Italian cultivator, who pays six times as much in taxes, and is half as much again as that of the Madras cultivator, who pays nearly twice as much in taxes. It has long been known to those who are acquainted with the interior of Eastern Bengal that the inhabitants are both actually and relatively more lightly taxed than any other people in the world; but it is surprising to find that their income is as large as that of the

peasantry in a civilised European country. Of the Italian village the writer of the article says, "the people are vegetarians, not from choice, but from necessity. They cannot afford to eat meat, nor even eggs. They sell their eggs and their fowls. They cannot afford to eat wheat bread, but eat maize porridge and maize bread, vegetables and fruit and what the cow produces." As much might be said of the people of Bākārganj with the comfortable addition of fish in abundance to their daily diet. The houses of the Italian peasant are built of stronger materials and are better furnished, but they do not contain more floor-space. The writer remarks that "the more costly dwellings and clothes and cattle-shelters necessitated by the European climate cost the Italian peasant at least the difference" between his income and the income of the Madras peasant; and concludes that the Madras peasant has probably more to spend on luxuries and "certainly does spend more on marriages, jewellery, etc." "The Italian population has scarcely any money at all for such indulgences as jewellery. I should say there was at least Rs. 25 worth of jewellery at the Madras village for every rupee's worth at the Italian village." What the Madras and the Bākārganj peasant spend on jewellery, marriages and feasting, the Italian peasant makes over to the tax-collector, the central Government taking from him three times as much, the local authority twice as much and the village council seventeen times as much as from the Bākārganj peasant. In return the Italian peasant obtains from the local authority and the village council those material benefits, which are at the root of western civilisation. "There is a protected water-supply, the streets are paved and kept clean and lighted; there are metalled roads to the neighbouring villages; there are a doctor and a midwife paid from the village fund who have to attend all cases gratuitously; all the male and all the female children are taught gratuitously at the village schools; there is hardly any disease, and the mortality is just half what it is at the Madras village; the services of a veterinary, of an agricultural expert, and of an engineer are shared with neighbouring villages." With equal resources the Bākārganj village council could produce equal results; but much water will flow down the rivers of Bākārganj before the peasants envisage the possibility of paved streets and street lamps, of village doctors, vets, engineers and agricultural experts or are even willing to purchase with their spare rupees

education instead of ornaments, bridges instead of bridal festivities, pure water instead of prodigal entertainment.

188. It is usual to test the prosperity of the agricultural classes by a comparison of the average holding with the 'subsistence' holding. Assuming the census average of five persons to the family and a daily consumption of three-fourths of a *ser* for each person, the produce of 1.75 acres of winter rice is required by each agricultural family for its subsistence in the Patuākhāli subdivision and Bākarganj thana, of 2.62 acres in Gaurnadi thana and of 2.30 acres in the Sāhābāzpur Island and elsewhere. Such a family will require

Size of the 'subsistence' holding.

also salt, oil and condiments, etc., besides clothes and an allowance for the up-keep of his house and cattle and for obligatory entertainment on the occasion of domestic events. A careful estimate based upon the budgets of a large number of families shows that the minimum required for these purposes would be equal to the produce of half an acre in Bākarganj thana and the south-east, of .75 of an acre in Gaurnadi and of .66 of an acre elsewhere. Rent would swell the size of a subsistence holding to an average of 3 acres for the whole district, or of 2.55 acres in the south east and Bākarganj, of 3.18 in the Sāhābāzpur Island, of 3.70 in Gaurnadi, of 3.33 in the rest of the district. It will be found that more than the required amount of land is included in the average holding in the district taken as a whole and in every subdivision except Pirozpur, where however the total cropped area is larger than the subsistence holding.

189. The total agricultural population may be estimated (1901) at 1,800,000 included in 360,000 families, as the census total of agriculturalists should be increased by the addition of farm labourers and of those rent receivers who are also cultivators. As the total number of holdings and of tenures which are entirely cultivated by the holders is 730,000, each family on the average holds two tenancies. Indeed in Gaurnadi each family holds on the average three tenancies. Most, if not all, of the farm labourers, who form only 2 per cent. of the agricultural population, rent some land so that for the purpose of examining the amount of land held by each agricultural family they may be included. The area held by raiyats is 1,490,000 acres and the area held by cultivating tenure-holders may be estimated at four-fifths of the land occupied by tenure-holders or 50,000 acres. This gives a total of 1,840,000 acres or rather more than 5 acres to each family. The land under cultivation, including

Size of the average holding. gardens, is 1,123,000 acres by raiyats and may be estimated at 337,000 acres by cultivating tenure-holders, a total of 1,460,000 acres or 4 acres to each family, of which 3.6 acres will be under winter rice. It will be seen that the average holding contains .6 acres more under rice than is sufficient for the family subsistence besides an additional half acre of garden or miscellaneous crops, while in another half acre a second crop is taken.

The agricultural family holds on the average in the different subdivisions:—

		Total acres.	Under cultivation.	Under winter rice.	Amount twice cropped.
Sadar	...	4.43	3.54	3	.96
Patuākhāli	...	6.37	5	4.9	.44
Pirozpur	...	4.2	3.3	2.9	.26
Dakshin Sāhābāzpur	...	5.8	5	4.3	1.1

Even in Gaurnadi, where the land is least productive and 3.7 acres should be under rice to feed the family, the average family holds 3.3 acres under winter rice and .5 under *āus* rice besides .78 more under miscellaneous crops, while it takes a second crop out of one of its acres.

190. This is not a picture of destitution, but the comfortable circumstances of the average family do not necessarily imply comfortable circumstances in every family. Statistics do not help to separate the substantial family from its poorer neighbour so that any remarks which can be made on

this head must be the fruit of personal observation. They are however supported by a detailed enquiry which was made into the circumstances and economic condition of every family in typical villages over a wide area embracing all the thanas in the west of the district and including the two least prosperous thanas of Pirozpur and Bhāndāriā. As a general result it may

Easy circumstances general
amongst cultivators.

be said that in every five agricultural families one is in affluent circumstances, three in comfortable circumstances and one in struggling circumstances.

Amongst the last will be placed those families which do not rent enough land for their own subsistence and are compelled to labour for hire. They have always however sufficient food and sufficient shelter. The district harbours no mendicants, unless solitary old men and women, who have been turned out by their families for personal reasons and who live on charity, may be so described. Widows with young families form probably the only cases whose circumstances are really hard, although broken men and fugitives from justice drift with their families to the Sundarbans and the marshes to snatch a livelihood and be forgotten, while a few wandering bands of gypsies rove miserably about the district. Apart from such men there are no agricultural poor in the south of the district; and there are none at all in the Sāhābāzpur Island. The less prosperous are only proportionately numerous in Gaurnadi and Swarupkāti and perhaps in Nalchhiti. Moreover the comfort of all classes is greatly enhanced by the fish which can be caught by any family in the innumerable streams of the district or purchased at a nominal price in the local market and by the various fruits which the homestead garden so generously supplies.

191. One sign of the generally easy circumstances of the cultivator is the large area which he devotes to the purposes of the homestead. The figures make no distinction between the cultivator and the non-cultivator, so that as the homestead of the former is usually considerably larger than the homestead of the latter, the general average is less than the area of the ordinary cultivator's homestead. The average homestead in the district measures 41 of an acre, but the homestead usually contains two separate commensal families of near relatives so that the site covered by the family residence measures 21 of an acre or 976 square yards as compared with 237 square yards in Saran and 272 square yards in Darbhanga, although the homestead is apparently slightly larger in Chittagong. Ordinarily it varies with the prosperity of the cultivator, being larger in the south and the Sāhābāzpur Island (where it is 33 of an acre) than in Pirozpur subdivision and the north and larger for example in Mehendiganj than in any other thana of the Sadar subdivision. House sites contain only 24 persons to the acre as compared with 98 in Saran and 103 in Darbhanga.

The cultivator is usually proud of his homestead and prepared to spend money upon it. The site is always well raised

Comfort in the homestead.

above flood level, for which purpose it is surrounded by a moat and further earth obtained from a tank sometimes within and sometimes without the moat. The huts are built round a courtyard of mat and thatch on an earthen plinth, while a raised avenue is constructed to the stream by the side of which the homestead is always located. The rest of the available space within the moat is covered by fruit trees or patches of vegetables. Except by the few very poor, two huts are always erected in addition to a cowshed and most homesteads have four or five. The huts too are often roomy. Many cultivators, and not merely the very prosperous, roof one or more of their huts with corrugated iron sheeting and a large roofed but unwallled shed is frequently erected for the entertainment of friends. There can be no doubt that masonry plinths would also be constructed, if there were not an unreasoning prejudice amongst landlords against them, while mat walls will give way to more substantial materials when these become available in the interior of the district. The interior of the house is often furnished even now with chairs and bedsteads. The cultivator would spend more on his house, if the local market showed more enterprise in supplying the materials or if he could obtain ideas from an exhibition of "model" homesteads.

192. In the matter of livestock the Bākarganj cultivator is very well provided, especially when the impossibility of cart traffic and consequent

absence of draught cattle is considered. The only part of Bākarganj in which carts are found is the Sāhābāzpur Island where they number three to every thousand of the population as compared with five in Darbhanga. For practical purposes the district contains no sheep, while ponies are not kept for service but for racing, a sport of which the Muhammadan cultivator of the south is very fond despite the obvious unsuitability of his marshy country.

Abundant supply of livestock. Goats are to some extent kept by Muhammadans, but they only number 16 for every thousand of the population as compared with 42 in Darbhanga and 14 in Saran. Fish probably takes the place of goat in the diet of the population. Of ordinary cattle however the supply is plentiful. The total number of head amounts to 793,342,* of which 218,565 are calves and 48,337 buffaloes. The buffaloes are equally divided between Patuākhāli and Dakhin Sāhābāzpur subdivisions and are hardly found elsewhere. As compared with Bihar districts, the supply of cattle may be analysed as follows:--

			Number per hundred of population.	Number per agricultural family.	Number of calves per hundred cows.	Number of bulls, bullocks and cows per agricultural family.
Darbhanga	...	...	27	1.7	41	1.4
Saran	...	...	22	1.3	40	1.1
Bākarganj	...	...	35	2.2	83	1.6

The number of calves per hundred cows is 90 everywhere, except in the Pirozpur subdivision, where it is only 75. There are 118 bulls to every 100 cows, but the disproportion is slight in Sāhābāzpur. Generally speaking cattle are well distributed throughout the different thanas, only Amtali being deficient, because so much of the land is cultivated by men of other thanas who bring their cattle with them. The thanas in which cattle are most abundant are Barisāl, Patuākhāli, Bāuphal and Galāchīpa and the thanas in which cattle are least abundant are Jhālakāti and Mehendiganj, probably owing to the large area under orchard.

Ploughs are generally numerous, numbering 43 per hundred agricultural families as compared with 20 in Saran and 25 in Darbhanga. The Patuākhāli subdivision is even better supplied, except for Amtali with its immigrant cultivators. Other thanas which are somewhat deficient in ploughs are Gaurnādi, Swarupkāti and Mehendiganj. Small boats are used very largely in place of carts to take agricultural produce to the local markets, thus while in the district as a whole every hundred families on the average own fifteen boats in Swarupkāti thana with its marshes and streams one family in every three keeps a boat and in Gaurnadi, Jhālakāti and Patuākhāli one family in every five. In Sāhābāzpur on the other hand where carts are in use 33 families share a boat between them, while they are unaccountably few also in Mehendiganj.

193. Generally speaking, the economic position of the cultivator is very strong, not only in itself, but also in its freedom from the menace of famine and in the security and timeliness of the orchard crops. The cultivator does not however obtain the full benefit of the strength of his position. This is due partly to the extortionate terms which he must pay for loans, partly to the great vogue of the "*abwab*" and partly to the general insecurity which the weakness of the administration entails.

194. The amount of borrowing by cultivators is very considerable, but the great majority of the loans are short loans in the lean period before the *aman* harvest. Such loans are usually obtained on the security of the crop upon the ground or by pledging ornaments, but owing partly to the influence of tradition and chiefly to the small amount of loan-able capital the terms are very onerous, one and two annas in the rupee per month being the usual terms, which make on a three-months' loan a very heavy interest. Permanent indebtedness is not a great feature. Figures were collected during the settlement operations only for usufructuary mortgages and it is very doubtful if the figures are at all

* In the cattle census recently taken the number of cattle enumerated in Bākarganj was nearly 1,400,000. This figure is probably more accurate than the settlement statistics, which were prepared by amins without supervision. The difference is chiefly in cows and calves.

complete. They showed that usufructuary mortgages by raiyats covered only 67 per cent. of the land held by raiyats at a cash rent, or in the different thanas and sub-divisions:—

SUBDIVISIONS.

	Aores.	Percentage.		Aores.	Percentage.
Sadar ...	2,124	5	Pirozpur ...	2,340	1.2
Patuākhāli ...	4,165	1.0	Sāhābāzpur ...	240	1

THANAS.

Patuākhāli ...	2,072	1.8	Jhālākāti ...	392	.9
Amtali ...	1,094	.9	Bākarganj ...	357	.6
Pirozpur ...	871	2.2	Galāchipā ...	353	.3
Bāuphal ...	646	.3	Mehendiganj ...	314	.3
Swarupkāti ...	615	.8	Barisāl ...	296	.5
Gauradi ...	559	.5	Barahanaddin ...	240	.2
Matbāriā ...	459	.8	Nalchhiti ...	205	.7
Bhāndāriā ...	395	1.5			

In addition a good deal of land is mortgaged without surrender of possession, particularly in the Sāhābāzpur Island. The rate of interest is usually 24, 32 or 48 per cent. and sometimes even higher, while unpaid interest is always added to principal and a fresh bond usually executed. The money-lenders are Sāhās and other professionals only in the Sāhābāzpur Island, Galāchipā and Pirozpur to any considerable extent; elsewhere they are either tenureholders or the agents of the larger landlords. Co-operative credit has not made much way amongst the Bākarganj cultivators even now and at the time of the settlement operations it had made no way at all, although its extension is very desirable. At least half of the cultivators take temporary loans during the year and when their economic position is so sound there can be no reason why they should be compelled to pay so high a rate of interest.

195. The *abwab* is a levy from the tenant in addition to the rent. The *abwab* of Moghul revenue history was a rateable enhancement—one anna, two annas in the rupee, etc.,—imposed for a variety of ostensible reasons and those who paid it were authorized to take a similar rateable enhancement from their renters. At the time of the Permanent Settlement all *abwab* were consolidated with the rent and the imposition of fresh *abwab* was forbidden. This prohibition has remained a part of the substantive law on the subject of landlord and tenant to the present day. It is a prohibition which the Bākarganj landlord has consistently and flagrantly disobeyed. A conservative estimate would place the total amount collected as *abwab* in Bākarganj at not less than twenty lakhs

of rupees or more than the entire Government land-revenue and one quarter of the entire rental of the district. *Abwab* were not entered in the record-of-rights, but the rate at which they were found to be levied was entered in the village note-sheet of every village. The imposts were levied under a great variety of names and differed much in severity in different parts of the district. They may be divided into annual levies and occasional imposts. Annual levies for the payment of the landlord's collecting staff are universal under the name of *tahuri*, *māmuli*, *rashami*, *sāhānā*, *vāriānā*, *tahsilānā*, *pyādgān*, *rājdhuti*, *ākhrasāt*, etc., and very often two or three of these are found in the same estate. In amount they are never less than 1 anna in the rupee and often amount to 4 annas or more, thus taking the case of one estate at random, they total to 4 anna 1½ pies in the rupee. If one or two, *tahuri* or *ākhrasāt* for example, are assessed on the rent, others are often assessed on the holding, thus cases of *rājdhuti* are found at 2 to 8 annas per holding and of *rashami* at 8 annas per holding. In addition to these levies there are levies for special purposes, such as *khālbandi* (embankments), *pol kharach* (bridges), *dāk kharach* (post), *bhāndāri kharach* (markets) and similar levies for the upkeep of schools, dispensaries temple worship and the like, although the amount collected appears to be always far in excess of the amount expended and occasionally the service or institution for which the amount is collected is not maintained at all. Of the same nature is the excess realization of the public works and road-cess, which is very rarely levied by landlords at the authorized

rate. *Chek* or *dākhilā kharach* must be paid before a receipt of any kind is granted for a payment of rent. Other annual charges, such as *punyā* and *nazarānā*, are usually a rupee and sometimes more from each tenant, while *bhet* or gifts in kind, such as milk, ghee, curds, cocoanut, betelnuts, etc., are exacted in a large number of estates. In many estates, especially those belonging to resident Hindu landlords, *begar* or forced labour for so many days in the year still survives. The 'services' usually required are to clear jungle in the landlord's ground, to plough his arable, to supply fish and fuel to him and his agents, to keep up his fruit gardens, to erect all temporary buildings, to dig tanks and drains and to carry bricks for permanent buildings and offices. *Begār* is very unpopular with the tenants and provokes complaint even from those who pay the severest *abwab* without a murmur. Of the occasional levies *sādiānā* or marriage taxes are universal, while many of the larger landlords and some of the smaller exact *chāndā* or subscriptions. The rate at which marriage taxes are levied varies enormously from village to village or estate to estate. The tax is imposed upon both fathers, but usually it is higher in the case of a son than of a daughter. The rate is often different for tenure-holders and raiyats and for Hindus and Muhammadans and sometimes for different castes amongst Hindus. In the north of the district and in Sāhābāzpur it is rarely more than 5 rupees for each family, but it often rises to 10 rupees in Pirozpur subdivision and more in Patuakhālī subdivision. The highest case discovered involved a total of Rs. 51 from the two families. In addition many estates add sumptuary taxes; thus to quote one example, for the use of a *dhuli* 10 rupees, of a *māffā* 25 rupees, of a large umbrella 20 rupees, of a *palki* 5 rupees. Hindu landlords often impose a special addition for *nikā* marriages or the marriage of a widow amongst their Muhammadan tenants. There are fines also for excavating or re-excavating tanks and ditches, while some landlords have lately attempted with small success to introduce fines for cutting down a fruit-bearing tree. In addition to the fine (*nazar*) on the excavation of a tank there is a cess also, calculated at so much on the acre covered by the tank, which is always high and sometimes so high as to amount to more than the purchase-money of the land; yet the tenant is still expected to pay the rent as before. The effect of this tax is to reduce the size of tanks very considerably so that, as wells are impossible, drinking water becomes unnecessarily scarce in those extensive areas in which the rivers are temporarily or permanently saline. Subscriptions are also exacted on the occasion of a marriage in the landlord's family or of a visit of the landlord to the village. They differ in their incidence, but frequently are intended to produce one-fourth of the annual rental. In one or two villages *chāndā* has also been collected on the occasion of a marriage in the families of the landlord's agents.

196. The imposts are so many and so various and differ so much in their incidence that it would require very minute detail to give any adequate picture of the financial effect upon the raiyat. It appears that, speaking generally, they average in the Sāhābāzpur Island less than a quarter of the rent, in some villages nothing but *takuri* being mentioned; on the other hand

Pitch of *abwab*. tenure-holders in Government estates collect from one-eighth to one-quarter as *abwab* and it is very doubtful if in other estates a milder practice prevails. In the Sadar subdivision *bhet* is common, but *abwab* are usually low, often restricted to *takuri* and *sādiānā*. In some cases the road-cess is correctly realized and in few cases is it more than doubled. In Bākarganj thana the rate is much higher, approximating to the Patuakhālī subdivision, while in Mehendiganj *sādiānā* is severe, and there are cases of high annual *abwab*, for example, $3\frac{1}{2}$ annas in the rupee. In the Pirozpur subdivision the average is considerably higher, but there are some easy landlords. Road-cess is often collected from raiyats at four times the legal amount. *Sādiānā* is high in Matbāriā and Bhāndāriā. Generally speaking the highest levies of *abwab* in this subdivision are in Bhāndāriā and South Swarupkāti; but in one case in Pirozpur thana in which the genuine books of the landlord were available for examination, it was found that an amount equal to half the rent was realized in *abwab*. In Patuakhālī subdivision *abwab* reach their maximum and while never less than 4 annas in the rupee are often much greater. The books of one large landlord showed that he collected more in *abwab* in the year than he collected in rent.

167. In many of the larger estates fines are also imposed for offences after trial by the landlord or his agent. Where tenants go voluntarily to their landlord for the decision of petty quarrels and complaints, there can be no objection to the system which undoubtedly relieves the criminal courts of much vexatious litigation; but when his agents try the cases and obtain a

Fines.

portion, if not all, of the fines imposed, the practice is open to grave abuse, particularly when as is almost universal in Bākarganj these agents are practically uneducated and receive wages which are nominal. In the better managed estates there is little of which tenants complain in this respect, but where the landlord is under the control of his own agents, the oppression to which this system gives rise is terrible. Malicious complaints are encouraged, interference in village quarrels and social matters is extensive, fines for the most trivial offences are enormous and often extend to a year's income of the tenant. Instances of the abuse of the system will be found given in some detail in Appendix L (vii). The following extracts from the diary kept by a landlord during a tour of his estate, which came into my hands, will be found illuminating:—

2nd February.—From 4-10 p.m. the tenants began to come and paid *nazar*. Asked all of them whom they suspect as the culprit of Chandra Sil's theft case. They all went to shore and when they came back they all said that they suspect Hazari Khan as the culprit. Asked Azizaddi Munshi whether he and his brother assaulted Jabbar in *Phalgun* last. He pleads guilty to the charge . . . Ordered Rohimuddi to shoe-beat Hazari Khan as all the tenants suspect him to be the thief, but he does not confess his guilt . . . Retired for the night. God save me from all troubles in the night and bless me for the next morning so that I may realize money in abundance as miscellaneous receipt.

3rd February.—Sent Rahimuddi and Raj Kumar Sil to bring in three or four men who were fined, but the money not yet realised. Tried a case of poisoning Jiaruddi by his wife with the help of her lover, Armanali. The woman is not our tenant, so on carefully considering the evidence produced before me, the guilt of Armanali having been proved, I have fined him Rs. 100. This is a serious case of murder. The police failed to detect anybody . . . Samaruddi, who was fined Rs. 10 by the mridha, paid Rs. 2 as he was too poor to pay more and he was excused. Madhu Bari fined Rs. 10. He said he will pay to-morrow, and Mia Khan also fined Rs. 10. He is also too poor, so all the tenants said. He will pay Rs. 5 to-morrow. In this connection a very serious matter happened. Raj Kumar Sil and Sabu, *pyada*, instructed Mia Khan to accuse Umaranjan that he told him to boat Madan and at the same time fined him. This is very serious—mridhas and peons accusing the head mridha for which he is not guilty. I am very much enraged with them. I will fine them and they will ask pardon before the whole assembly to Umaranjan, mridha. They all went to shore to consult what to do. I will not let Raj Kumar and Sabu alone until they are severely dealt with. They asked pardon to Umaranjan, and Umaranjan excused them and they paid as fine Rs. 20.

4th February.—Tahsildars and mridhas came and paid *nazar* . . . All hale and hearty . . . Tenants came to pay *nazar* . . . Gopal Kumar paid Rs. 10 and Krishna Kaibarta Rs. 4 as *sakami* . . . Instructed the peons and mridhas how they will conduct the business here in my absence. One who will disobey my *dohai* must be oppressed with iron hands, whoever he may be—this was my instruction to my men. Very pleasant. Everybody pleased.

5th February.—Tried some other cases and passed orders. Meher Gazi's fine, Rs. 15, paid by his surety Radha Charan Sil to-day. It has been settled in consultation that I will call upon the tenants of Betagi to pay Rs. 1 as *nazar*, as they are not well off this year. But if they pay more to other *hisya* (co-sharers), they will have to pay Rs. 4 to me. This will serve double purpose. The tenants will be pleased and at the same time the naib will not get anything.

9th February.—Officers have come to pay *nazar*. Imam Bux, who I believe most, said that really the tenants are in most wretched condition owing to the failure of crops in want of rains in proper time. My own Gurkha regiment came to *salaam* me . . . Sikdars came at 10 A.M. to pay *nazar*. Nearly 20, 25 men came to complain against the imposition of *nazar* at the rate of Rs. 2 every *hisya* for failure of crop. Sat in a chair on shore and ordered that in consideration of the bad condition of the tenants of this village, they will pay rupee one as *nazar* to each share, but if they pay more to other *hisya*, then they will have to pay Rs. 4 to me each. They all agreed and seemed to be very much pleased.

11th February.—Last night passed order that no Muhammadan (whether he be mridha or peon of any *hisya*) shall be able to go and sit at the houses of Namasudras or other Hindu tenants, and the Hindus are forbidden to allow the Muhammadans to sit at their houses. If any of them found in disobeying will be fined Rs. 25 without any evidence.

There is a charge against Ishan Halder that he is in love with his own mother-in-law. Ishan denies the charge and has given *mukhtika* (bail) of Rs. 50 to be paid if the charge is brought home against him . . . The witnesses are matbors and reliable persons and when they all say it to be true, I also believe them and order that the *mukhtika* of Rs. 50 be

realized from Ishan Haldar. Jabbar Ali Malkar stands surety for the money which will be paid this evening

Recorded depositions of about five witnesses in the case of Jobedali *versus* Asimuddi Sikdar in proper court form. Mukhtars were present to cross-examine the witnesses. Finished at 10 P.M.

12th February.— Received a letter from the Manager, Rahamatpur Estate, who has come to Patagonia, requesting me to decide a case, which is pending before the police Estimate for building the Kowkhally cutcherry has come to Rs. 225. I have sanctioned on condition that Kowkhally people will pay the expenses by next year.

13th February.— Realised Rs. 5 from Jabarali for an offence committed year before last. He has spoken the whole truth Found Armanali has come with the remaining Rs. 23 of his fine About permission of using *mifa* (palanquin) and umbrella during the marriage. It is ordered that everyone will have to take permission from the Tahsildar or mridha who will be in charge of the mahal on the marriage day. No separate fee will be charged for those who are already enlisted to carry them.

25th February.— Gave him a letter to Tahsildar to warn tenants not to depose against him in the case filed by Ahmed Biswas.

3rd March.— It has been settled that Bepari and Jahir will execute an agreement taking all responsibility of the *hat* and cutcherry *bari*. They will sign the agreement to-morrow: if they fail they will pay Rs. 100 each to me without objection.

8th March.— Jahir came with some money as rent and Rs. 5 as *nazar* and Rs. 3 as marriage fee.

9th March.— Fatik Bose came with some tenants to settle their rents. He paid half the rent and Rs. 10 as *nazar*, etc.

10th March.— Went out at 9-30 A.M. to make a partition of all the moveables, ornaments, cows, house, etc., etc., of Hamezaddi and his younger They paid Rs. 4 as *nazar* for going to their house. They are poor Hamezaddi and his brother executed an agreement that if they do anything against the partition, anyone disobeying will pay Rs. 50.

17th March.— Got Rs. 100 as *nazar* at Karapur; still all the tenants did not come. Miscellaneous—Rs. 33 only.

198. The extent to which the system of arbitrary exactions can be carried in the south of Bākarganj passes belief. Thus in one large estate in which the landlords were under the thumb of their agents fees under the name of *nagar selāmi* were levied until a few years ago for the licensing of prostitution, particularly in the case of Hindu widows, while on the death of a cultivator with a young family the daughters were sold into prostitution and the sons occasionally into slavery. An investigation showed that most of the prostitutes in Bāuphal started prostitution by being sold in this way for the benefit of the agents of their landlord. Other exactions equally immoral lingered on in other parts of the district until nearly the end of the nineteenth century. I have intentionally given a very general description of the system of *abwab*, although the part these exactions play in village economy in some parts of the district is very great, because it would be impossible to give any true picture of their operation without supplying detail in an abundance which would be out of place. There can however be no question that the happiness and prosperity of some of the most fertile parts of the district are blighted by the prevalence of illegal exactions, in proof of which Appendix L may be consulted.* Investigations were made in this group of estates with a thoroughness which has been equalled in no other part of the district and the papers

are in such detail that they must bring conviction to any impartial mind of the disastrous effects which *abwab* and the methods which their exaction makes necessary have upon the well-being of the cultivators. There are at least one and probably two large estates in the district in which the exactions are more severe and the methods employed to secure them equally oppressive. The state of affairs described in the appendix is not however a picture of the ordinary Bākarganj village. Generally speaking the exactions are much less and are paid without great difficulty or great grumbling, while there is no physical oppression or overt intimidation employed in their collection.

199. It is often said in Bākarganj that the cultivators are less opposed to *abwab* than to an increase of rents. This is no doubt true, but it is only true because an enhancement of the rent is a permanent addition which can never be removed, while *abwab* are not legally recoverable and may be

* See selections VII, VIII, XVI, XVII and XVIII.

repudiated in happier times. It is absurd to suppose that the cultivator likes the *abwab*. He merely prefers them to a more permanent addition to his burdens. It has been found impossible to trace the history of *abwab* imposed in the worse-managed estates, as the landlords would give no information and the cultivator's memory is too vague. It appears however that *tahuri* is a very old charge, even dating from the time of the Permanent Settlement; but there is some evidence that whereas it is now collected at the rate of one anna in the rupee it was formerly collected at the rate of half-an-anna. *Punya kharach* is of course a historical charge, while *sādiānā* are apparently ancient fees, although I was informed by the "Raja" of Chandradwip that they were levied in olden days at the uniform rate of one rupee. Apart from these

Reason for the prevalence of *abwab*.

charges it would seem that *abwab* are modern innovations, not older than 50 years, and gradually increasing and accumulating during the latter half of the nineteenth century. Their imposition in preference to an enhancement of rent was probably due to fear of the disturbance which so often followed enhancements. Enhancements, if successful, obtained more than a succession of petty *abwab*; but while each of the additions by *abwab* was too small to provoke organized opposition, enhancement was likely to involve a long and costly struggle with the possible interference of the civil authorities. Moreover the agents of the landlord were always on the side of the *abwab* in which they shared and which, being in its nature arbitrary, offered a greater scope to their traditional greed. Above all the *abwab* is sweet to the landlord himself, because he tastes in it the joys of royal power. He feels that as the recipient of rent he is merely the lord of land, but as the recipient of *sādiānā*, *nozar*, fines and other levies he is the lord of subjects. Many landlords have confessed to me that the delight of the *abwab* is in the arrogation of sovereignty. Experience subsequently gained in other districts, Faridpur, Pabna, Tippera, Dacca and Rajshahi, shows that the *abwab* have nowhere reached the pitch of Bākarganj and that elsewhere they are confined chiefly to the annual levy, which even when severe is at least certain and calculable, whereas the peculiar vice of the *chāndā*, fine and *selāmi* is that they are arbitrary, incalculable and an infringement upon the liberty of the subject.

200. *Abwab* are realized by a system of overt and covert intimidation with the exception of *tāhuri* and perhaps of mild marriage fees, which have acquired the position of recognized charges. It is only in the larger estates and by the more unscrupulous landlords that intimidation is overt. It is exercised in two ways, by clubmen and through the courts. All powerful landlords retain a body of *mridhās* or village headmen and peons, who are paid by a share of the exactions which they help to obtain; but in addition the worst estates keep a regular force of *lātālās* or clubmen in their pay, who are employed in cases of local opposition to arrest, confine and punish the rebellious and in more serious combinations to engage or overawe the disaffected. One estate in the south of the district employs over 400 *lātālās* and another over

Realized partly by overt, but chiefly by covert intimidation.

300, while it appears that smaller estates hire men from the larger when occasion requires. The more general method by which the payment of these charges is enforced is by the threat of a suit for arrears of rent, the success of which is prepared by the universal refusal to grant rent receipts. In no private estate in Bākarganj are receipts granted for a part payment on account of rent and in few for a full payment; in the south of the district many estates both large and small openly refuse to grant receipts for rent at all. It will be seen that the tenant is left with no defence against a suit for arrears even when the rent has been paid. When a payment is tendered, the landlord credits the sum first against *abwab* and the balance only against rent. The tenant has accordingly no option but to pay the exaction, unless he is to prepared withstand a suit for arrears without any documentary support for his plea of payment. For a direct assault upon the exaction of *abwab* the help afforded by the law is illusory. A prosecution in the criminal courts for extortion would be almost impossible to bring home, while the compensation afforded by section 75 of the Bengal Tenancy Act would ordinarily not cover the cost of a civil suit. Above all the refusal of rent receipts places

a tenant in a very disadvantageous position in any litigation with his landlord, as it lays him always open to counter-attack by means of a suit for arrears of rent. In any case no direct attack upon *abwab* appears ever to have been made in Bākarganj, whether by a case for extortion or by suit under the Tenancy Act. The whole system of *abwab* is most pernicious in its moral and economic effects upon the cultivator, but its abolition would involve great opposition and an exhausting campaign by the administrative authorities. There can be no question however that while such a campaign is required for the good name of the administration, its results would be most beneficial to the cultivating classes.

201. From what has been written, it will be clear that Bākarganj suffers and has suffered from an ineffective administration. Ordinarily the preparation of a record-of-rights has no direct connection with the general administration of a district, but in Bākarganj it was specifically undertaken to be, in the words of the Secretary of State, "the means of restoring peace to the agricultural classes." The Lieutenant-Governor had proposed it, "because the only possible means of pacifying the district is to go to the root of the evil and by giving landlord, tenureholder and raiyat a record of his rights to remove the *causa causans* of the lawlessness and turbulence that are now rife." It is necessary therefore to consider, when the work is done, what is the measure of its achievement in the business of pacification. The lawlessness of the district had shown itself chiefly in murders and fierce riots. Eight years have now passed since the record-of-rights was completed, but it does not appear that

Permanence of administrative
in efficiency due to geography.

it has had any appreciable effect in reducing the number of murders, while serious riots connected with agrarian matters, although considerably diminished, are still numerous. In 1908-12 there was an average of 39 murders and 88 riots each year compared with 40 murders and 147 riots in 1896-1900. Bākarganj with half the population of Scotland has four times as many murders, while on the Bākarganj scale England would shudder over two murders a day in place of two a week. Judging by statistics only, it would therefore seem that the record-of-rights has failed in the main purpose for which it was undertaken. To obtain a fairer judgment it will be necessary to examine the history of the district and the life of the cultivator in the light of the much closer information which the intimate investigations of the settlement staff were able to acquire. That information makes it clear that the administration of Bākarganj has always been ineffective and that geography has always been the reason of its ineffectiveness. The early correspondence shows that at the beginning of British administration Bākarganj rivers were infested by pirates and the home of slave traders and especially of kidnappers, while fighting between border zamindars was continuous and often culminated in pitched-battles in which many men were killed. In common with other districts all executive authority was concentrated at the head-quarters town, but whereas in other districts it was possible to reach all parts within a comparatively short time, the large rivers made many parts of Bākarganj only accessible after long delay and in rough weather not at all, while the multitude of small rivers and streams and the absence of roads, bridges and ferries combined to render no part of the district accessible at once. Two results followed: the executive authorities confined their energies to suppressing piracy and the slave trade and to preventing or punishing the more serious riots, while the population unable to reach the administration were compelled to settle their less important quarrels or to fight them out amongst themselves. It may safely be affirmed that until 1860 the vast majority of the inhabitants only recognised the law as forbidding murder and dacoity, since there was no recourse to the Magistrate for redress in respect of smaller offences against person and property and there was no recourse to the civil courts for remedy against civil wrong. In land disputes and quarrels between landlords and tenants, there was no appeal at all to constituted authority. After 1860 a series of measures brought the administration nearer to the people. The *Thak* and Revenue Surveys and the Registration Act opened the way for action by the civil courts, the formation of subdivisions added three new executive and judicial head-quarters in the remoter parts of the district, the entrance of

the steamer companies and the building of roads made many parts more readily accessible. It is clear however that these measures were able to do little more than to keep pace with the increase in population. Indeed gun-shot murders increased subsequently to such an extent that the district had to be disarmed. The primary test of every administration lies in its capacity for keeping order and for punishing and diminishing serious crime. In Bākarganj murders and robbery are not diminished, while only 10 per cent. of all murderers are convicted and an even smaller percentage of robbers and thieves. Further until the beginning of the settlement operations large tracts of the district remained for years in a state of utter lawlessness, with which the authorities were unable to cope. Thus to mention the more notorious cases, there was the long anarchy in the Dakshin Sāhābāzpur estate and in Bāmnā, when it is little exaggeration to say that the whole population lived in fear of riot, murder and sudden death. There was the even more flagrant case in Bāuphal and Galāchipā, where there has never been any real peace since Nil Kanta Sāhā began in 1844 to build up by open plunder what he himself described as his "*lāthir zamindāri*" and where old landowners have been ruined and driven out by the use and threat of force and eight several combinations of the tenants against intolerable oppression have been crushed by an army of clubmen, the criminal annals counting for this estate alone in a period of 50 years more than forty serious riots in twenty of which lives were lost. In the north of the district along the banks of the Noābhāngāni and Ariāl Khān there is the still more extraordinary case of Hāturiā, where a dacoit carved out a large estate in the latter part of the nineteenth century by the use and terror of his clubmen. Examined therefore by this primary test the administration of Bākarganj is ineffective even when judged by the standards of Persia or Peru. The blame must be laid entirely at the door of geography, which has imposed insuperable barriers to the operations of the administrative machinery which has been successful in other Bengal districts. It is not only that the district is divided by huge rivers into several water-tight compartments, that each compartment is intersected by unfordable streams which are rarely bridged, that there are many impassable marshes and that the whole country goes under water for several months in the year; but each family lives apart in its own land, often separated by a considerable distance from its neighbours and always in a homestead which is screened from prying eyes by an orchard and surrounded by a deep and by no means narrow moat. As there is no village site, so there is no village sentiment and no village community. The Bākarganj cultivator is emphatically not a gregarious animal. He gathers only in crowds on a market day, and it is rare at other times to see a knot of men together in the fields or villages; he knows little of his neighbours and eschews intimacy or co-operation with them so much that the administration is compelled to deal with the individual or with the family and not with the community.

202. Such a country imposes tremendous obstacles to efficient administration. In the fundamental duty of suppressing crime every advantage lies with the criminal, as the country makes prevention or detection equally difficult. In the discharge of all other duties, however necessary or elementary, the barrier is always there: the administrator cannot easily reach the people and the people cannot easily reach the administration. A centralized system of administration could only achieve success in Bākarganj if communications were made rapid and easy, if fast steamers plied on every large river, if the country were covered with a network of roads and if every stream were bridged to suit the needs of every village. This would be difficult and costly and still would fail to make communication in Bākarganj as rapid as in dry districts, while the river-wall would still serve to screen the misdeeds of subordinate officials, which must always be the weakness of a centralised system. The alternative is to decentralise; but here also geography suggests a warning, that decentralisation must be real and complete, as a mere delegation of authority would fail from the difficulty of supervision. It is not so much more administrators as more administrative units that are required, two or preferably three districts in place of one, more subdivisions, more headquarters for magistracies and munsiffies, more centres for the independent

investigation of crime; until the wronged can obtain a remedy without wasting their time and substance in the journey to the court and until the investigator can reach the scene of the crime before the crime has been forgotten.

203. Even with decentralisation it must remain doubtful whether respect for the ordinary law will ever be successfully enforced amongst an agricultural people, while disregard of the law between landlord and tenant remains so flagrant and so universal, while *lātiāls* ply their trade, *abwab* flourish, rent-receipts are unknown and civil decrees are obtained without the knowledge of the victim. In the suppression of such practices the unaided efforts of magistrates or munsiffs can do little, as there is no agency available to provide either with independent information. It is impossible that such an agency could be supplied divorced from the record-of-rights, and it is primarily in the interests of respect for the law that such an agency should be secured by the maintenance of the record-of-rights. Even if maintenance were considered too expensive a convenience at the present time for other districts, the decision would not cover a special case like that of Bākarganj. In no other district do the *lātiāl* and the *abwab* flourish to the same extent, while elsewhere the elementary duty of giving a rent receipt for the payment of rent is recognized. In the Patuākhāli Munsiff's courts a special investigation by the District Judge showed that the proper service of process was flagrantly disregarded, not in occasional cases, but in every rent suit; and it is known that in this respect the practice of Pirozpur courts is little better. There appears to be only one efficient means of combating such a state of things, to establish in the maintenance of the record-of-rights an annual investigation of the relations of every landlord with all his tenants by an agency which can be trusted to enforce upon landlords obedience to the provisions of the law relating to landlord and tenant. In any event the solution taught by settlement experience of the riddle of turbulence in Bākarganj lies in the inculcation of a habit of living within the law, which may be achieved by decentralisation, but will more probably need also the maintenance of the record-of-rights by a responsible agency. The mere preparation of the record-of-rights has proved insufficient for the purpose.

204. It is necessary for a proper understanding of the problem to remove some prevalent misconceptions concerning the character of the Bākarganj cultivator. He has been described by high authority as showing a "disregard of human life," as "wasting his time and money in turbulence, lawlessness and litigation" and as "amply able to assert his rights." Years spent in close study of him do not confirm this estimate. There are bad sheep in every flock, but the ordinary cultivator is very far from turbulent and certainly not contemptuous of human life. The Hindu cultivator indeed is a very timid creature, while the Muhammadan is peaceful, grave and hospitable, easily contented and very faithful to his obligations. He has faults, but they are not such as to threaten the peace of the village. He is lacking in thrift and has been robbed of energy by the bounty of the soil and of cheerfulness by the humidity of the climate, while he is too fond of bickering, although without temper, and too fond of litigation from the absence of other interests and recreations in his life. His "turbulence" is not of his own seeking, but instigated by the land hunger of his landlord or provoked by his intolerable

Cultivators not turbulent.

oppression. If the administration were more efficient, this "turbulence" would disappear. Many of the murders are the result of agrarian riots and many more are the result of lynch law. Some are no doubt the result of love or private quarrels, but there can be no question that these and the so-called murderous temper of the population are chiefly due to the great impunity with which murders can be committed. The prevalence of *abwab* and the refusal of rent receipts are in themselves a sufficient refutation of his ability to assert his rights. The idea probably arose from the occasional murders of naibs in misgoverned estates and from the numerous combinations which have been formed in particular parts of the district to resist the enhancement of rent. The enhancements were in all cases illegal, but the riots and other lawlessness which were a result of the combinations were really due to the employment of *lātiāls* to suppress them. It is significant that in every single case these combinations

were suppressed and the enhancement, although illegal, obtained. The Bākarganj cultivator is so little gregarious that village factions (*dā'ālāli*) are not frequent except where there are idle *bhadrālok* to fan them into flame. The bully is no doubt an unpleasant feature of many villages, but his more prosperous days are over. The landshark on the other hand flourishes exceedingly on the opportunities which the complicated system of land tenure affords to him. All the pests who poison the peacefulness of village life owe both their power and their immunity to the administrative system. The courts are in theory always open to the victim for the redress of wrong, but in fact they are as useful to the wrongdoer as to his victim. They are so distant and so expensive that, the remedy being ruinous, the harassed villager who wants to live in peace avoids them, whereas with their aid the bully or the landshark can fasten a quarrel upon his neighbour and will often obtain his purpose by the heavy burden which defence has placed upon the shoulders of the victim. In truth the existing courts are quite unable to meet the needs of village life, some expansion being necessary in the direction of village courts, which would relieve head-quarters of trivial litigation and would provide a "referee" to adjudicate upon the numerous claims, quarrels and disputes, which never come to the existing courts at all. In the simple village world happiness and contentment depend far more upon effective arbitration of the trivial than upon the fair trial of serious crime. At present such arbitration, if made at all, is made by the landlord's agent or the middleman, very indifferently and chiefly to benefit his own pocket, but even so fulfilling a need of village life, as was made clear in one illuminating instance, Chāorā, a huge village in which Government ejected the middlemen and assumed direct dealings with the cultivators to find that although otherwise delighted with the change they complained insistently that no substitute had been provided for the tenureholders, who formerly decided their petty quarrels. The villager in fact wants someone decked with a little brief authority to whom he can turn for redress or advice in the time of trouble. The existing substitutes are neither satisfactory nor sufficient. Often redress is never sought, sometimes it is granted laboriously by a distant court and sometimes capriciously by an irresponsible *nāib*. It is difficult to believe that selected villagers acting through a recognized village court would not be able to give greater satisfaction to the village.

205. It is the *bhadrālok* and not the cultivator who is really the turbulent and lawless element in the population. As middleman or landlord's agent, he is the chief *agent provocateur* and responsible for most of the rioting and unrest in the district, while he habitually disregards the provisions of the Tenancy Act, although he knows them well. The term *bhadrālok* is locally used to include all who by birth, education or occupation consider themselves above manual toil, but is almost exclusively confined to Hindus of the Brahmin, Kayasth and Baidya castes, who form a very numerous and very powerful element in the population and supply practically the whole district with officials, professional men and clerks, own most of the estates and nearly all middlemen's tenures, while as *dewāns*, *nāibs*, *gomasthās* and *muharrirs* they manage all the estates in the district, since Muhammadan landlords employ them in preference to men of their own faith. There are however many unemployed, especially amongst the half-educated and the uneducated, as the supply far exceeds the demand for the sort of employment which they will accept. Upon this class the rise in prices which has been constant for half a century and always increasing in intensity has had such disastrous effect that too many live on the very margin of starvation and learn in bitter and hopeless destitution to ignore the laws of God and man. Such a class, invested with the traditional authority of the twice-born, is a great danger to the peaceful life of the community and is in actual fact the direct cause of most of the turbulence and unrest in the district and the indirect cause of a great deal of its crime. It is easier to diagnose the disease than to indicate a remedy. Had it not been for their characteristic aversion from manual labour, they could easily have been supplied with land to cultivate, sufficient to provide them with a comfortable subsistence: it might perhaps be worth while even now to attempt to break down the old hostility to agriculture by an experiment with an agricultural

Unemployed *bhadrālok* the dangerous element.

colony composed exclusively of *bhadralok* in the large areas of fertile *char* available in different parts of the district. It would be necessary to provide good educational facilities for the sons from the very start, as any scheme which failed to take into account the passionate clinging of the *bhadralok* to his educational heritage would be doomed. The only industry with a future in Bākarganj is boat-building, to which it might be possible with state control to direct the *bhadralok's* attention. It is extraordinary with such waterways as the only means of communication that more and better boats should not have been provided and that motor haulage, so admirably adapted to the conditions of the district, should not even have been introduced. Had the more intelligent *bhadralok* any mechanical or industrial aptitude, this would certainly not be the case. There can therefore be no hope

Urgent necessity of finding
employment for this class

for the organization of any such industry without state encouragement of the most comprehensive nature. A more promising avenue of employment might be found for them in the medical profession. The absence of qualified doctors is a very conspicuous feature in Bākarganj life. In the census only 157 were enumerated in a population of 2,292,000, whereas in England with a population of 36 millions there are over 20,000 doctors, or 1 to every 1,800 of the population. On the same scale there would be employment for 1,116 more doctors in Bākarganj. There can be no question that the provision of more doctors would be a boon to the district as well as a boon to the *bhadralok*; but in present circumstances such a provision is unlikely to result from the play of supply and demand. Qualified doctors are not sure of a sufficient practice amongst an ignorant and prejudiced peasantry and some measure of state support would be necessary to induce them to settle down in the interior. On the other hand medical education is longer and more expensive than ordinary education so that it is hopeless to expect the distressed *bhadralok* to supply it to their sons. Here again public assistance and public encouragement in no small measure will be required. It is not clear whether any or all of these suggestions, if adopted, would effect a cure of this sore in the body politick of Bākarganj, but it is clear that a cure is as necessary for the general well being of the district as for the welfare of the classes directly affected, since distress amongst a class with so high a social position, so diffused an influence, so many spheres of activity cannot fail to have a disturbing effect upon the rest of the population. That effect had indeed been seen for many years in the spirit of illegality abroad in the district with its tendency to manifest itself in fraud and extortion, but in recent years it has taken more sinister form in associations and activities which menace the security of property and society. There is little information available as to the number of *bhadralok* who are distressed, as suffering of this nature is not cried from the housestops while much is hidden away under the broad mantle of the joint-family; but it is known that the number of the unemployed amongst the *bhadralok* is large and that the circumstances of many families are very pitiful and their sufferings very great, in some case falling little short of death by slow starvation. It is not easy to measure the effect upon the sensitive mind of youth of a life spent in the grip of want amongst a starving family and starving friends or upon the more mature of despair to find any means of relieving wretchedness at home. If such minds are not to be inflamed to dangerous courses, it is necessary to recognize that the problem of the distressed *bhadralok* is very real, very urgent and very difficult and that it can be solved only by special measures undertaken for the express purpose of providing them with employment.

PART II.

FISCAL HISTORY.

Early History.

206. All that is known of the history of Bakarganj is to be found in the District Gazetteer, and it is only necessary here to recount so much of it as will explain the development of land revenue. Apparently the district formed in quite modern times as a chain of islands built up by the deposit of silt from the great rivers at the then coast of the Bay of Bengal. These islands, which now constitute the middle of the district, were colonized, if the traditions and genealogy of the Chandradwip Raj family may be trusted, about the year 1300 A.D. under the auspices of that family. The family counts 22 generations since it first settled in the district; but probably only 25 years should be allowed to the short-lived generations of the district. The northern part of the district which at that time was apparently not separated by river from Bikrampur and Dacca was probably settled previously. The settlement of the western part of the district began in the sixteenth century, when Chandradwip or Bāklā was already in a state of considerable prosperity as is attested by the comments of several Jesuit Missionaries who found also a large number of Muhammadans in the country, doubtless as a result of a trade connection with the Arabs of Chittagong. In 1583 the kingdom was devastated by a tidal wave which is stated by Abul Fazl to have carried off 250,000 inhabitants. In the seventeenth century all the south and east of the district was harried by the Mugh pirates and was afterwards the scene of a fierce struggle for the hegemony of the islands between the Portuguese, the Mughls and the Muhammadans. The raids of the Mughls were of a peculiarly ferocious type so that this part of the district was much reduced. The eighteenth century was a period of recuperation despite the anarchy of the times; but in the north the Ganges and Brahmaputra effected violent changes by sweeping away most of the old land and replacing it before the end of the century by a chain of fertile *chars*.

207. In Todar Mull's Settlement (1582-9) the district was divided between three Sirkars. The western part was included in Sirkar Khalifātibād or Jessore, the central part in Sirkar Bāklā and the eastern part in Sirkar Fāthābād. The khalsa revenue of the parganas which can be identified was as follows:—

<i>Kalifatabad.</i>				Rs.
Solimanabad (Selimābad)	...	...	...	4,212
<i>Bakla.</i>				
Ismailpur commonly called Baklā (now Chandradwip)	...	...	...	1,08,699
Sirryrampoor (Srirāmpur)	...	...	...	6,860
Adelpoor (Idilpur)	...	...	...	38,836
<i>Fathābād</i>				
Shahazpoor (Sāhābāzpur)	...	...	...	18,304

The Rasoolpoor in Fathābād may also be the Dacca pargana which has land in Bākarganj, but the Shahzadebpoor in Baklā appears more likely to be the Faridpur than the Bākarganj pargana.

The total khalsa revenue of these parganas was Rs. 1,76,351, but the jaigir revenue was also very large, as the pargana of Bāklā supported in addition 320 cavalry and 15,000 infantry. There are no details by sirkars of this jaigir revenue or of the "kharij jama" or lands reserved rent-free for the support of the zemindars and rent collectors, but they were scattered in every sirkar, and in the total they were so extensive that, while the khalsa lands of Bengal were valued at 63½ lakhs, the jaigirs amounted to 43½ lakhs and the nankar to 3½ lakhs. In the later assessments the jaigir revenue of Bākarganj parganas was usually much larger than the khalsa revenue.

208. The next glimpse of revenue assessment is obtainable after a long interval of 140 years, during which the finances of Bengal had undergone complete disorganization and had only recovered after twenty years of Sultan Shuja's firm rule. The history of this time is summarized in Grant's analysis* as follows:—"For that they did not really enhance the public income in those early days of the Moghul dominion is not to be wondered at, when it is considered that the ordinary established rental of the whole country was then almost entirely absorbed, actually or fraudulently, in jageers and protecting the sea-coasts from the ravages of the Moggs or Arakaners aided by the Portuguese. Such was the reduced state of the revenue in Jehangeer's time, that an agreement to pay into the exchequer ten lacks of rupees per annum in full of the Imperial dues was a sufficient temptation for bestowing the soubahdarry; and in 1638 in the reign of the Emperor Shah Jehan, when the Ashomites were emboldened to take advantage of the internally distracted powerless state of the neighbouring territory of Bengal and increase the measure of its misfortunes by a hostile descent from their boats, which sailed down the river Burrampooter, there is reason to believe that not a rupee was paid into the Royal Treasury at Delhi; though doubtless notwithstanding the distresses and comparative poverty of the country at that period, the delegates themselves reaped an ample harvest from the yearly produce of the lands or in the general dissipation of the public wealth." In the able administration of Sultan Shuja the revenue of Akbar was more than restored. 'It does not

Revenue restored by Sultan Shuja after disorganization.

appear that there was any deviation from the original principle in rating the lands, as established by Toorel Mull'; but the khalsa revenue from the same extent of country was increased by nearly 10 lakhs of rupees and 361 new parganas were added, mostly by subdivision of the older 682 parganas. Sultan Shuja built a fort against the Mughls at Sujātād in Thana Nalchhiti and resided there for some time. It is probable therefore that several of the Bākarganj parganas owe their origin to him. In any case a large number of small grants under the name of taluk were made at this time and were grouped under the parganas for the payment of revenue, so that many of the parganas consisted largely of such taluks. The Sunderbans were converted into a revenue-producing country under the name of Morad-khaneh or Jerad-khaneh with two new parganas—Akla, pasturage, and Bunjer, timber—yielding Rs. 8,454. Unfortunately all the other 'particulars of this second more regular assessment are now perhaps irrecoverably lost.' During the long reign of Aurungzeb the revenue of Bengal was further improved by the Soubadar Jaffier Khan, born a Brahman, who not only increased the khalsa revenue from the old parganas by nearly 12 lakhs

Jaffier Khan's assessment.

of rupees, but reduced the jaigirs to 33 lakhs by disbanding the cavalry. Jaffier Khan removed the capital from Dacca to Murshidabad in 1707 and thereafter the administration of the eastern portion greatly suffered. Jaffier Khan added 310 parganas to the roll chiefly by subdivision of the older parganas and in addition he disturbed the old financial arrangements by dividing Bengal into 13 chaklas to which he assigned unfortunately portions of the old sirkars and not entire sirkars. The parganas of Bākarganj, in whatever sirkar formerly included, appear now to have been assigned to the chakla of Jehangirnagar and therefore included in the rich Neabat of Dacca. Grant gives a detailed analysis of the parganas in this Neabat; but it is not in all cases possible to identify

the parganas of to-day with the parganas in his list. Moreover fresh confusion is imported into any revenue comparison by the almost immediate subdivision of the country into Eahtimams or great zamindaries, of which there were 25, consisting it is true of whole parganas, but over-riding the new arrangement into chaklas. Owing partly to this change in organisation and partly to the proceedings of the new class of capitalist zamindar, to whom the pargana was not sacred, the revenue system lost the simplicity which it had previously retained, while in any case the omission of jaigir revenue in Grant's list makes a revenue comparison quite misleading. However in the revenue roll of 1135 B.S. (1728 A.D.) a large number of the modern parganas appear:—

Pargana.	SIRKAR FATTEHABAD.			Khalsa revenue.
				Rs.
Uttar Sahabazpur 7,030
Dakshin Sahabazpur 3,432
Selimabad 43,166
SIRKAR SANARGAOM.				
Rasulpur 16,974
Kasimpur Selapati 8,500
SIRKAR BAKLA.				
Idrakpur 10,807
Adilipur 47,704
Birmohan 5,288
Bangrora 11,044
Chandradwip 6,608
Jahapur 671
Maizardi 6,267
Nazirpur { 239 450
Ramnagar 1,095
Srirampur 8,605
Sultanabad 363
Shaistanagar 3,966
SIRKAR BAZUHA.				
Buzrugumedpur 4,647
Khanja Bahadurnagar 9
Jaffier-abad 40
Rafsanagar 125
Shaistabad 726
SIRKAR JERADKHANEH.				
Akle 6,444
Bunjer 2,332
Total	<u>1,93,512</u>

In a few cases (*e.g.*, sirkar Sanārgāon) the identifications are perhaps doubtful. In sirkar Baklā there are more parganas than are shown in this list, the land of which was almost certainly in Bākarganj, but they do not correspond with any modern pargana and have probably lost their identity by being merged in other parganas. There are several significant omissions such as Arangpur, unless this is to be identified with Aurangabad. The 42 parganas enumerated in sirkar Baklā have a total khalsa revenue of Rs. 1,96,550. Of the new parganas most had probably been created by Shuja Khan and some by Jaffier Khan out of the old zamindari of Chandradwip, which had by their exclusion lost much of its old importance. In the whole Neabut the total khalsa revenue was eight lakhs of rupees while the total jaigirs amounted to more than eleven lakhs. Of these the most important were the Nowara jaigirs, which accounted for six lakhs of the whole and were extensive in Bākarganj.

203. The next revenue-roll reproduced by Grant is of 1170 (B.S.) or 1763 (A.D.) with additions to 1765. The intervening period was chiefly remarkable for the invention of the financial expedient known as abwab, which was an automatic addition to the revenue of zamindaries without any fresh measurement or other attempt to ascertain their assets. Altogether the total revenue was nearly doubled in this period, but while the khalsa revenue was improved by three lakhs only, the jaigirs were valued at eight lakhs more and the abwabs brought in an additional seven lakhs.

Revenue in 1763 A.D. In the meantime however the zamindaries were constantly fluctuating in number and extent, while parganas were subjected to diminution or addition to suit the self-interest of the zamindars and without reference to their previous history and associations. The revenue-roll enumerates 70 *eahtimamdars*, who engaged for 139 zamindaries, comprising 16 mahals or *athals* which appear to be indifferently parganas or taluks. It groups together 175 more mahals as belonging to miscellaneous taluks, apparently paying revenue independently but of less than eight thousand rupees. The total revenue of these taluks, which were mostly jaigirs, was 4½ lakhs and probably a few of them were in Bākarganj. Of the zamindaries, the following concern Bākarganj:—

Name.	Number of zamindaries.	Number of Mahals.	REVENUE 1728.			Revenue with abwabs, 1763.	Revenue, 1765.
			Khalsa.	Jaagir.	Total.		
			Rs.	Rs.	Rs.	Rs.	Rs.
Chandradwip, etc.	1	22	1,170	58,581	59,751	68,500	73,496
Adilpur, etc. ...	3	8	2,816	44,199	47,015	106,270	1,06,270
Buzrugumedpur	1	8	3,227	2,704	5,931	201,274	2,01,274
Selimabad ...	4	2	2,894	10,836	13,730	40,190	58,511
Ratandi Kalikapur	1	1	1,339	437	1,777	18,643	19,619
Rasulpur (with Kartikpur).	4	4	15,356	14,364	29,720	50,387	56,132
Idrakpur and Shaistanagar.	2	2	2,001	4,818	6,819	23,173	23,173
Ramnagar, etc. ...	1	3	1,578	492	2,070	13,852	13,852
Dakshin Sahabazpur and Srirampur.	3	3	16,013	7,166	23,179	78,164	79,489
Uttar Sahabazpur	3	1	93	4,901	4,994	13,777	15,499
Nazirpur, etc. ...	1	2	8,176	1,247	9,423	37,311	37,311
Sultanabad, etc.	1	1	777	102	880	17,168	19,856
Haveli Selimabad	1	1	373	252	625	11,096	11,096
Azimpur, etc. ...	1	1	952	3,460	4,412	10,171	10,171
	27	59	53,505	1,53,609	2,10,111	6,90,076	7,25,850

In addition some land of Bākarganj was included in the huge conglomerations of Jalalpur and Rajnagar and also in the Ncākhāli pargana of Gopalpur-Mirzanagar. The zamindaries in this list are not of course confined to Bākarganj; but roughly they represent no doubt the present revenue-roll. It may be safely assumed that the revenue of the district in 1765 was about eight lakhs of rupees, which it would appear was nearly four times as much as in 1728, an eloquent indication of the loss of revenue which the Mughls and the Portuguese had occasioned. The increase in the revenue of Buzrugumedpur is astonishing.

I cannot explain the differences between the figures previously given for the parganas in 1728 and the total khalsa revenue of 1728 in this list. The latter apparently shows the revenue in 1728 of the land which was included in the zamindaries in the year 1763. There had no doubt been much interchange of land between different zamindaries in the interval. Grant himself does not notice the discrepancy and offers no explanation. No doubt there are many mistakes in his lists. He was working on the Persian manuscripts in his hands, and some confusion must have been unavoidable in so detailed an abstract of the revenue of properties which were so fluctuating in size and extent; but even if the glimpse which he gives of early revenue arrangements is confusing, it is better than no glimpse at all.

The Permanent Settlement in Bākarganj.

210. It is unnecessary to detail the various financial expedients to which the East India Company's Government in its early days resorted. Their sole object was to squeeze the sponge as thoroughly as possible and they carried on the bad tradition of the previous forty years in carving out zamindaries at the nod of the highest bidder without reference to the previous history and associations of the land. The aim of the decennial settlement, which was afterwards made permanent, was however different. Settlement was to be offered to the real proprietor and at the same time taluks, which were in origin independent of him and created by an independent grant from the sovereign power, were to be separated from his estate. The settlement of the estates of Bākarganj was however made from Dacca by Dacca officers, who had only time to make a thorough investigation into the condition of the larger zamindaries. They therefore permitted zamindars to engage

Permanent settlement ill-conducted.

Rājnagar, which was merely an aggregation of taluks which had been torn or bought from other parganas. In the long anarchy which preceded the permanent settlement many estates had lost lands by the encroachments and usurpations of their stronger neighbours and had sacrificed thereby much of their geographical compactness. The permanent settlement secured

Estates not compact and old parganas ignored.

such usurpations to the usurper, and the Dacca officers in their ignorance of local geography often permitted him to engage for them as part of his estate, however remote the rest of that estate might be. Many of the lesser taluks also were largely aggregations of encroachments. Two unfortunate results followed these irregular proceedings. The identity of the old parganas was often lost so that no exact comparison can be made with Moghul assessments; while the new estates were made up of scattered lands and were rarely geographically compact. Thus in the north of the district, where the smaller taluks are numerous, estates jostle each other in a patchwork of profusion, few villages belonging to a single estate or a single pargana and many being divided in microscopic parcels between many estates and several parganas.

211. Ignorance and overwork permitted at the same time great abuses in the tedious business of the separation of independent taluks. The number of these taluks with which the Dacca officers had to deal was prodigious. Enquiries were necessarily of the most superficial kind, especially as the revenue office was at too great a distance for the smaller talukdars easily to resort to it. As a result on the one hand many taluks which were entitled to independence

Abuses in separation of taluks.

as being grants from the sovereign power were not separated, probably because the talukdars failed to apply, and on the other hand many taluks and even *hāolās* which were the creation of the zamindars obtained an independence to which they had no historical claim, while a large number of fictitious taluks obtained recognition at a low revenue to which zamindars transferred fertile parts of their zamindaries. However disturbing to the historian, these mistakes were not of much practical importance, except that they made easy a fraud on the revenue which the Dacca officers were in no position to prevent. They were unable to make detailed enquiries into the produce of some thousands of taluks and they had an express direction to accept as revenue a rent which had been paid for the 12 previous years by any talukdar entitled to independence. The way was easy for a fraud at which the zamindar could be induced to connive and still easier for the creation of fictitious taluks by the zamindar himself. It is certain that many taluks were lightly assessed;

Loss of revenue thereby.

but after a century of encroachments and transfers of land by *jimba* and otherwise from one estate to another, it cannot be presumed that the land of any taluk which may appear so large now for so light a revenue is the same in amount as the land upon which that revenue was originally assessed. No doubt as a whole the zamindaries have lost and the taluks have gained land since the Permanent Settlement;

but even allowing largely for this general tendency the taluks appear to have been very lightly assessed.

212. The whole of the district was not included in the Permanent Settlement, as the Sundarban forests on the sea-face, measuring probably one-fifth of the then area of the district, were reserved to the State, but with this exception the revenue of all the land then in existence was settled in perpetuity. It is not possible to state the exact revenue at which the Permanent Settlement was concluded as the early registers were destroyed by the storm wave of 1822. An approximation sufficiently accurate for all practical purposes can however be made and is given below in a list of the parganas which also shows the amount of land which each contains as measured in the district survey, excluding the new alluvium now under assessment by the diara authorities. The figures of area in this table are only intended to give a rough indication of the extent of land in respect of which the Permanent Settlement was concluded. There was no survey and no measurement at the time of the settlement or for seventy years after it, and the great rivers have been so comprehensive in their reconstruction that a modern survey is at best a rough picture of the country as it was a century ago. As the boundaries of estates and the boundaries of modern districts do not in all cases coincide and the Bākarganj revenue-roll contains only those estates which have the greater part of their land within the district, some portion of the revenue paid into the Bākarganj treasury covers land which lies in other districts, while no revenue at all is paid in Bākarganj for those lands within the district which belong to estates borne on the revenue-roll of other districts. In both cases a proportional revenue has been calculated for the lands in Bākarganj.

NAME OF PARGANA.	Area permanently settled at the time of the Permanent Settlement.	Revenue fixed at the Permanent Settlement.	NAME OF PARGANA.	Area permanently settled at the time of the Permanent Settlement.	Revenue fixed at the Permanent Settlement.
	Acres.	Rs.		Acres.	Rs.
Buzrugmedpur ...	243,587	1,93,181	Tappe Lakshirdia ...	425(a)	6,043
Chandradwip ...	232,909	1,34,738	Gird-i-Bandar ...	68	53
Solimabad ...	216,506	98,234	Maizardi ...	Nil(a)	3,197
Dakshin Sahabadpur ...	109,138	63,433			
Idilpur ...	78,531	47,562	Bijnagar* ...	100	134
Syedpur ...	61,671	6,540	Ram Hari Taraf* ...	88	119
Bangorā ...	64,083	19,920	Char Kalmi* ...	68	96
Nasirpur Tappe ...	62,793	36,718			
Habibpur ...	59,652	1,969	Telihati (Faridpur) ...	17,361	443
Sultanabad ...	46,239	25,747	Gopalpur Mirzanagar (Noakhali).	14,066	7,028
Batandi Kalkapur ...	31,792	26,416	Sultanpur Khauria (Jessore).	10,551	1,988
Arangpur ...	34,684	16,610	Kamrapur Tappe (Dacca).	1,612	652
Krishnadehpur ...	29,424	820	Makimabad (Dacca) ...	1,511	236
Uttar Sahabadpur ...	22,180(a)	17,791	Sibpur (Faridpur) ...	1,409	118
Haveli Solimabad ...	20,397	13,601	Sujanagar (Faridpur) ...	1,363	1,529
Saistanagar ...	17,919	16,336	Fatejangpur (Faridpur)	437	59
Asimpur ...	13,939	9,071	Rajnagar (Faridpur) ...	425(a)	3,267
Sahabadpur ...	13,181	7,741	Shaitanagar (Noakhali)	343	179
Idrakpur ...	10,003	4,401	Madaripur (Faridpur)	213	57
Shaitanabad ...	9,320	2,083	Makimpur (Jessore) ...	176	171
Raminagar ...	8,193(a)	7,366	Kotwalipara (Faridpur)	84	8
Khanje Bahadurnagar ...	8,185(a)	8,497	Gird-i-bandar (Faridpur).	62	11
Baikanthapur ...	6,786	2,647			
Seirampur ...	6,535(a)	8,346	Amirabad (Dacca) ...	8	1
Tappe Bahadurpur ...	6,121	4,913	Tappe Amrapur (Dacca)	Nil	14
Birmohan ...	5,328	610			
Basulpur ...	5,100	8,316	Add approximate area of diluviated estates, whose revenue is included above.	36,669	...
Alinagar Tappe ...	6,036	1,578			
Durgapur ...	4,617	4,785			
Abdullahpur ...	4,610	3,552			
Kasimnagar ...	4,438	1,634			
Kudrabab ...	3,628	1,802			
Kasimpur Solapati ...	3,853(a)	2,514			
Tappe Haveli ...	1,986	1,122			
Jahapur ...	1,768	897			
Tappe Safipur Kala ...	1,445(a)	1,498			
Tappe Birmohan ...	1,320	327			
			Total ...	15,50,000	8,23,665
				Rate 8½ annas per acre.	

* These are Henckell mahals, which although not in law have always been in fact treated as permanently settled from the time of the Permanent Settlement. They have also been treated as parganas, although historically they have no claims to the designation.

(a) Many estates in these parganas have been entirely diluviated and have disappeared from the Roll.

213. Under the sale laws the engagement made at the time of the Permanent Settlement is broken when no purchaser can be found for an estate which is put up to sale for arrears of revenue. Owing to diluvion such cases have been very frequent in Bākarganj. In addition the very large pargana of Buzrugumedpur was bought in by Government for arrears of revenue immediately after the conclusion of the Permanent Settlement. Altogether estates with a total revenue of Rs. 2,14,396 have been brought to sale and surrendered in default of a purchaser, not taking into account estates borne on the Roll of other districts. It would appear that the permanent settlement has remained unbroken in 1,267,112 acres (nearly 2,000 sq. miles). The revenue in this area is Rs. 5,82,593, somewhat less than the amount fixed at the Permanent Settlement, owing chiefly to abatements for partial diluvion and for land acquisition. This amount does not represent the whole of the permanently-settled revenue of the district to-day. The policy of settlements in perpetuity persisted for a century after the Permanent Settlement, and during that period much of the land in respect of which the original engagements were broken was again settled in perpetuity, while perpetual engagements were also granted for much of that part of the district which had not been included in the historic Permanent Settlement at all.

214. The total area of the district exclusive of the larger rivers is 3,648 square miles, of which 61 square miles of river and unoccupied land are not included in any estate. The remaining area is divided amongst the different estates of the district as follows:—

	Acres.	Sq. miles.
Included in revenue-paying estates borne on the Bākarganj rolls	2,202,184	3,411
Included in revenue-paying estates borne on the rolls of other districts	70,449	110
Total revenue-paying ...	2,272,633	3,551
Included in revenue-free properties	23,246	36
GRAND TOTAL ...	2,295,879	3,587

Of the revenue-paying area 1,980 square miles were permanently settled at the time of the Permanent Settlement at a revenue of Rs. 5,82,593 or a rate of Rs. 295 per square mile ($7\frac{1}{2}$ annas per acre) and 505 square miles were permanently settled subsequently at a revenue of Rs. 4,03,829 or at a rate of Rs. 800 per square mile (20 annas per acre). Of the remainder 55 square miles are new alluvium liable to assessment, while 1,008 square miles are temporarily settled at a present revenue of Rs. 10,25,951 or a rate of Rs. 1,018 per square mile ($25\frac{1}{2}$ annas per acre) exclusive of grazing dues and wood-cutters' fees which brought in Rs. 50,000 in the year 1914.

215. The mere juxtaposition of these figures shows at what a sacrifice of future revenue the Permanent Settlement was made. From the pargana table on the previous page it will appear that it was effected in Bākarganj at an average rate of $8\frac{1}{2}$ annas per acre, which is one-ninth of the average rate of rent now paid by cultivators in the district and less than 2 per cent. of the gross value of the crops at present prices. Judging from such evidence as is available of the rate of rent and the price of rice at the time of the Permanent Settlement, it would seem that even then the rate did not amount to more than a quarter of the average rate of rent paid by the cultivators of the district or to more than 12 per cent. of the gross value of the crops.

216. It may be of interest to give some details of the comparative incidence in some of the more important estates of revenue fixed at the

Permanent Settlement. The following figures for the twelve largest zamindari-
daries are illuminating in their demonstration of the inequalities inherent in a
Permanent Settlement made upon imperfect data and applied to estates in very
different conditions of the development:—

NAME OF ZAMINDARI.	Area.	Reve- nue	Rate per acre.		Assets of the pro- prietors.	Profit per cent. on rev- enue.	Rental value.	Rate per cent. of rev- enue rental value.
	Acres.	Rs.	A.	P.	Rs.	Rs.	Rs.	
Selimābād	199,010	85,721	6	10	1,78,250	108	10,10,983	8·5
Chandradwip	127,922	82,508	10	4	1,53,704	85	7,41,062	11·1
Dakshin Sāhābāzpur	88,027	40,816	7	5	56,866	39	2,85,314	14·3
Idilpur	71,475	44,779	10	0	2,67,155	500	3,84,679	11·6
Syedpur	64,571	6,540	1	7	41,608	636	2,56,646	2·6
Habibpur	43,845	879	0	3	16,477	1,776	58,759	1·5
Tappe Nāzirpur	42,474	27,957	10	6	71,822	157	1,86,986	15·
Sultānābād	36,528	23,128	10	1	59,978	159	1,66,862	13·9
Ratandi Kālikāpur	33,283	25,238	12	2	31,912	28	1,08,812	23·2
Arangpur	31,692	14,314	7	2	30,264	111	2,04,704	7·
Krishnadebpur	29,424	820	0	5	14,384	1,600	73,610	1·1
Tappe Haveli Selimābād	18,732	11,156	9	6	67,174	500	79,265	11·4

NOTE.—The area in each case excludes the new alluvium, which had not been assessed when the record-of-rights was finally published. The revenue is a proportionate revenue calculated on the lands in Bakarganj only, where the estate comprises lands situated in other districts also. "The proprietors" in columns 5 include also their assigns. "The rental value" here as elsewhere means the actual rent paid by raiyats holding land in the estate and a valuation at the same rate of land reserved by tenure-holders.

The revenue is heavy in the case of Chandradwip and Idilpur, because they were large enough and near enough to Dacca to involve special investigation before the Permanent Settlement was concluded. It is light in the case of Selimābād, Arangpur and Dakshin Sāhābāzpur, because they were too distant for detailed enquiries. Syedpur covers the Bhāndāriā *bil* and Habibpur covers the Deulbāri Dobrā *bil*, which were then largely impenetrable morass. It is doubtful indeed whether the greater part of either was really included in the Permanent Settlement. Krishnadebpur is a peculiar case. It was a chur on the sea-face of the island of Sāhābāzpur at the time of the grant, with which the proprietor was allowed in the laxness of the time to incorporate without addition to revenue the vast accretions which adhered to it before and for 40 years after the Permanent Settlement. On the other hand Ratandi Kālikāpur has probably lost some land by diluvion, while Dakshin Sāhābāzpur, although it is known that it has lost nothing in the aggregate, has yet seen a large diluvion of fertile lands but feebly compensated as yet by the uprising of sandy churs. Buzrugumedpur was more heavily assessed at 12½ annas per acre than any of these zamindaris, but the present rental value is over 15 lakhs of rupees, upon which the revenue at the Permanent Settlement would not amount to a charge of 13 per cent.

It would be tedious to give any detailed figures of the smaller zamindari-
daries. Allowing for alluvion they were treated more generously than the large
zamindari-
daries. In every case the profit is at least as large as the revenue, while
in five cases only is it less than double the revenue.

217. It appears that 2,659 taluks were granted independence at the
time of the permanent settlement, but owing to diluvion there are now
only 2,121 in existence. Most of them lie in the north of the district
and the three great parganas of Chandradwip, Selimābād and Dakshin
Sāhābāzpur contain less than a hundred between them. Buzrugumedpur
contained none at all. Almost half of the whole number belong to the
pargana of Bangrorā and there are nearly 300 in Uttar Sāhābāzpur, many
of which are exceedingly petty, thus the average revenue of the Bangrora
taluks is only Rs. 22 and of the Uttar Sāhābāzpur taluks Rs. 37. In Tappe
Birmohan there are 27 taluks with a revenue of less than Rs. 11 a piece and in
Birmohan 69 with an average revenue of Rs. 4. In this pargana there are
actually nine estates still encumbering the roll, whose area does not amount

to a single acre. On the other hand there are many taluks with an area of several thousand acres and a few as large as 20,000 acres. No useful purpose would be served by any comparison of area and revenue or profits where the differences are so great. Apart from

Permanent settlement in independent taluks.

this, there can be no certainty in any individual case that the present area of the taluk is the area for which a permanent settlement was concluded. Several taluks were then and later in the hands of a single family, which transferred land from one to the other without thought for anything except the family convenience. Encroachment on the waste land of another estate has also been common, while the *jimba* system has frequently affected the size of estates. There is the most extraordinary fluctuation in the area of estates between the present survey and the Thak survey of only 45 years ago; in truth the variations are so common that there is rarely any exact correspondence in a single village. It is only too probable therefore that the fluctuations between the Thak survey and the Permanent Settlement seventy years before it are still more comprehensive. Generally speaking the revenue of the smaller taluks is lower than the revenue of the zamindaries; but the larger taluks were usually assessed at about six annas an acre. There are some exceptions, apparently always when the talukdar was a servant or relative of the larger zemindars. In these cases the revenue is a peppercorn assessment, usually less than an anna per acre, and points to fraud or collusion at the time of the Permanent Settlement. In one case of this kind the revenue is two annas only in an estate which comprises a thousand fertile acres. Low assessments are not to be found as might be expected in the southern and less developed parts of the district, but in the older parts, indicating that advantage was taken of the overworked Dacca revenue officers when separation was made. There appears to be some ground however for assuming (at least in the case of Chandradwip and Bangrorā) that the Permanent Settlement only set its seal upon an earlier fraud, in which a zamindari servant took advantage of his master. As a whole the taluks are

Taluks more profitable than zamindaries.

more profitable to their proprietors than the zamindaries. Talukdars rarely made those large grants at low assessments, which are so common in the zamindaries, while on the other hand usually a quarter and often a half of the land is held of the proprietor by cultivating raiyats and the area held rent-free is insignificant. In many cases the profits are astonishing. Thus taluk Sujat Khan (No. 3572) has a revenue of Rs. 187 and a rent-roll of Rs. 14,843, while a large taluk like Mahammad Hayat (Nos. 1747 and 1748) which has an inexplicably high revenue of Rs. 8,906 (or 28 annas per acre) has a rent-roll of Rs. 32,000.

218. It is often vaguely asserted that the Permanent Settlement was so severe at the time of its conclusion that it ruined the proprietors with whom it was concluded. It is clear from these figures that the estates are now and have been for some time so profitable to their proprietors that they have only themselves to blame if they lose them. There is ground for believing that the profit was nearly as large at the time of the Permanent Settlement. It happens that there are detailed partition papers available in the case of the three largest and least profitable zamindaries of Selimābād, Chandrawip and Dakshin Sāhābāzpur which exhibit clearly the rent-roll of the proprietors at the time of the Permanent Settlement and show that their profit was even at that time not only considerable, but little less than it is at present. In the case of many other estates it is known that nearly all the tenures-in-chief from which the whole of the proprietor's profit is derived were created before the Permanent Settlement at a rent which has not been increased up to the present day. This is not to say that the profit of the owner has not in fact been increased, but the increase has accrued to him not as proprietor, but as tenureholder in the large and valuable *nij* tenures, which he created for himself and his family in the Bākarganj way and from the tenures of others, which he has been able to purchase in the course of a century and has not merged. As a whole it seems that the Permanent Settlement in Bākarganj left the proprietors a profit of certainly 50 per cent. and perhaps considerably more on their collections and that there can have been no real reason for default or ruin, if

the estates had been efficiently managed. It is true that Chandradwip, Idilpur and Buzrugumedpur were sold for arrears of revenue soon after the Permanent Settlement and that Selimābād and Dakshin Sāhābāzpur also passed gradually out of the hands of the old proprietors. Buzrugumedpur was, it would appear, the most highly assessed of all the Bākarganj parganas, as the partition papers upon which the decennial settlement was based showed a profit of only 31 per cent upon the rent of the dependent taluks; although there was in addition a valuable private domain; but its downfall seems to have been due more to quarrels amongst the proprietors than to the severity of the revenue and in its vast and well-placed forests there was ample scope for a proprietor of ordinary capacity to increase the rent-roll. The proprietor of Chandradwip was a lunatic and his mother a pious lady of whose charity the priests took advantage. The proprietors of Idilpur were free-booters who neglected their estates for their piracies, as the early correspondence preserved in the Collectorate abundantly displays. The purchasers have always found it a very valuable property. In Selimābād the family was large and quarrelsome, while in Dakshin Sāhābāzpur the river was always the enemy, aided at one time by the spies of the Salt Department whose activities are said to have frightened most of the inhabitants away from the island. It is thus largely an accident that there were these sales so shortly after the making of the settlement, although it must be said that the proprietors of the larger estates were much handicapped by the feeble aid which was given to them by the law in the realization of rent from the chief tenure-holders. An extract which is given later in this chapter from a letter written by M Dampier as late as 1852 describes their difficulties in this respect. In the smaller zamindari and the taluks the old proprietors have retained the chief stake until the present day. In these it is usually only the Muhammadan proprietor who has been sold out. He continued the Moghul tradition, fared sumptuously and bestowed magnificently, while he left the management of his property to his supple Hindu agents who craftily transferred his inheritance to themselves. It was no fault of the Permanent Settlement that while he kept his state they kept his estate.

219. In that part of the district in which the permanent-settlement still hold good, the revenue is less than six lakhs of rupees, where the proprietors make a profit of sixteen lakhs and the rental value is not less than sixty lakhs. Present profits of proprietors in the permanently-settled area. If a survey as rudimentary and incomplete as the Thak survey had preceded or followed the Permanent Settlement, much of this profit must have been secured for the State. Enormous areas of waste on the border of estates have been gradually reclaimed and included within them. At the Permanent Settlement much of the district was no man's land and such a survey would have secured this land and its profit for the State. From the forest and waste which was scattered in the midst of estates in such great profusion the proprietors would still have been able to derive a handsome profit. Bākarganj was not as other districts of the interior. It was not parcelled out amongst landlords and village communities; it could not look back to a time when its jungles had been waving fields of grain. In much of the district the parganas were islands of population in a sea of forest. Each was separated from its neighbour by rivers encircling gloomy solitudes. These forests, marshes and sandy wastes had been granted to none and had been occupied by none. Whatever view be taken of the Permanent Settlement as a measure, it was no part of its scheme to bestow vast areas upon those who had no title to them; yet in Eastern Bengal this was one of its results. It was a blunder which only ignorance of local conditions made possible and which a survey would have prevented.

Subsequent history of the permanently-settled area.

220. The subsequent history of the permanently-settled area offers no points of special interest in Bākarganj. The general stream of legislation on the subject of landlord and tenant affected Bākarganj but little, because the enforcement of law lies with the courts, which were generally Small influence of subsequent revenue and tenancy legislation.

inaccessible When legal rights cannot be enforced and legal protection cannot be obtained, ignorance of the law is apt to be profound. If it is doubtful whether Regulation VII of 1799 or Regulation V of 1812 were enacted with any reference to conditions in Bākarganj, it is certain that they had not the smallest influence on those conditions. It is certain also that the Moghul machinery of kanungo and patwari had never been extensively introduced into the district, if it had been introduced at all, as I find no reference to it anywhere in the voluminous correspondence of early days. The Regulations of 1816, 1817 and 1819 on the subject were therefore little more than a dead letter in the district. In early days it is clear landlords and tenants managed their affairs without paying any attention to the ayes and nays of the law and they continued so to manage them until the last quarter of the nineteenth century. It is doubtful if the Rent Law of 1859 operated to confer privileges upon any tenant who had not already got them and it is certain that the passing of the Bengal Tenancy Act (which a conference in Barisal called by the district officer had considered unnecessary) was followed by comprehensive enhancements of rent in the south and west of the district greatly exceeding the limit which that Act permitted. Abwabs or illegal exactions were collected briskly, despite the series of enactments directed against them, while arbitrary eviction, although never common, was not checked in the south of the district by the Rent Law or the Bengal Tenancy Act. In the north eviction was usually achieved under the forms of law by a sale in the Civil Courts following on a suit for arrears of rent, often enough when the rent had been in fact offered or even paid. As regards the Bākarganj type of tenure, the law has always had little to say. Even the provisions of the Bengal Tenancy Act on the subject were the fruit of experience in Bihar. Had an eye been spared for the tenures of Bākarganj, there must have been more than twelve sections in the Act dealing with tenure-holders. It is curious to find what little use has been made in Bākarganj of the Patni Regulation (II of 1819), which allows summary sale in the Collector's court for arrears of rent instead of the more tedious processes of the civil law. Despite the countless taluks and other tenures of Bākarganj, many of which must come within the scope of this Regulation, few applications are made for sales in the Revenue Court and arrears of rent are invariably collected through the Civil Court. The privilege is restricted however to those cases "in which the right of selling or bringing to sale for an arrear of rent has been specially reserved in the engagements interchanged on the creation of the tenure." Most of the older tenures had no *pattas*, or have lost them, while the reservation of a right to sell was probably omitted for some years after 1819. Still more surprising is the small advantage, which is taken of the protective provisions of the Sales Act (Sections 8-42 of Act XI of 1859). Special registry is difficult no doubt, but common registry is a formal matter, yet amongst the half-million tenures in Bākarganj, most of which were created since the Permanent Settlement, only 32 have been admitted to common registry and none has been admitted to special registry. The protection given is no shadowy advantage, as the tenure-holders in Selimābād found to their cost when a share of the zamindari was sold quite recently. Many of the tenure-holders are educated men and none are ignorant rustics. It supplies therefore a very convincing illustration of the little attention paid to the law and the legislator in Bākarganj that a protection of this nature should so completely have been ignored.

221. More notice has naturally been taken of the enactments relating to proprietors. The Sale Laws have however been brought little into operation after the early fall

Use of the Sales Act.
of the greater zamindaries under the hammer. The early correspondence shows that in the first twenty years there were a certain number of sales, chiefly of the smaller taluks, but as the Collector's figures included much of Dacca and Faridpur, separate statistics for Bākarganj cannot be supplied. The Sale Laws were certainly administered with great leniency, because default was so common that the Collector in 1829 described 4,000 out of the 4,500 proprietors as habitual defaulters. Except in cases of diluvion the arrears were eventually paid and were apparently occasioned by the failure of substantial tenure-holders to pay their dues, as described by Mr. Dampier, or by the adoption by proprietors of the very policy which influenced those tenure-holders

of using the utmost of delay possible so as to derive a profitable money-lending business with the amounts made thereby available. Thereafter with a few exceptions sales were confined to diluviated taluks in the parganas of Srirāmpur, Idilpur and Māizardi, for which there was usually no bid so that they were bought in for the Government and removed from the roll. In modern times such taluks are largely bought in by the proprietors of the parganas, who hope to recoup their outlay when a turn in the river reforms the old site of the taluk with a rich silt. Perhaps the most interesting feature of the operation of the Sale Laws is the universal belief that a purchaser is entitled to enhance the rents of the raiyats. This belief covers sales of tenures for arrears of rent by the Civil Courts and is shared by the raiyat as well as by the landlord. It has no foundation in the law, which protects the holdings of raiyats as well as such tenures as are held at a fixed rate from before the Permanent Settlement. Most Bākarganj tenures on the other hand are avoidable incumbrances. They are however rarely avoided, but the opportunity is taken by the purchaser to exact a fine for recognition, with or without an increase in the rental. In some of the larger zamindaries however, such as Idilpur and the Bāuphal Estate, it is the invariable policy to purchase all independent taluks in the neighbourhood of the estate as well as all dependent tenures within the estate and to follow up the purchase by setting aside all avoidable under-tenures.

222. Little advantage has been taken of the facilities afforded by the successive Partition Acts. Indeed the experience of those who have had recourse to partition has not been such as to encourage imitation. The great parganas of Chandradwip, Selimābād and Dakshin Sāhābāzpur were partitioned before the Permanent Settlement and the partition papers are still in existence.

Several taluks have subsequently been partitioned, but only two large estates, Shāistānagar and Arangpur. Where lands are so much scattered and under-tenures so numerous, partition is never easy; and before there was any record-of-rights it was exceedingly difficult. Bākarganj partitions have always been excessively dilatory and excessively costly in the making and the results have been rarely satisfactory. In both Shāistānagar and Arangpur the partitions effected were so unworkable that the proprietors concerned preferred to ignore them. In the case of Arangpur more than fifty years had been spent in the making of the abortive partition.

It is unfortunate that the Partition Acts have been so unsatisfactory, as there can be no question that partition would be a great convenience both to the proprietors and their tenants. Very few of the estates created at the time of the Permanent Settlement are so entirely self-contained that they have no land which is not also a part of some other estate. In many cases the common lands could easily be partitioned between the several estates with manifest advantage to the administration. Amongst the larger zamindaries Azimpur, Chandradwip, both Sāhābāzpurs, Selimābād and Haveli Selimābād, Rāmānagar, Ratāndi Kālikāpur, Sāhāzādpur, Sāistānagar, Abdullāpur, although apparently partitioned before the Permanent Settlement, were very imperfectly partitioned, and the lands left joint at that time have never been partitioned to the present day. Even amongst the petty taluks of Bangrorā very few are without common lands, whilst 125 hold all their lands in common with one or more other taluks. Similarly almost all the lands of two parganas, Idrakpur and Rasulpur, are held in common. Altogether 361 estates which date from the time of the Permanent Settlement hold no land at all in severalty. It was no doubt due to the ignorance of the Dacca revenue authorities that such estates came separately on to the roll, but they have been an administrative nuisance ever since; and as they have in many instances been an equal nuisance to their owners for the best part of a century, they illustrate very forcibly the failure of the attempts of the State to provide a machinery for partition.

223. Registration of changes in the proprietorship of estates has always been obligatory and far more notice has necessarily been taken of the various Registration Acts. In the days when the district was dependent upon Dacca registration was naturally a dead letter, but after Bākarganj was formed into a separate revenue district in 1819, the first accurate registers were prepared and subsequently

up to the present date the registers have been kept in a far better state than the registers of the other districts of the Dacca Division. The Registers have been frequently rewritten—in 1841, 1851, 1856 and 1876. The early registers were based upon quinquennial papers and the details of the land in the various estates were exceedingly vague and inaccurate. After the Thak survey these entries were thoroughly revised and the measured areas of the various estates were for the first time introduced. The present registers which were prepared after the Registration Act of 1876 are based upon the Thak figures. It is a difficult problem for the revenue authorities to decide whether the entries specifying the lands included in the various estates should be modified in the light of the recent survey and record-of-rights. Variations are universal and in many cases comprehensive. While the record-of-rights certainly represents with accuracy modern possession and modern ownership, it must be remembered that a purchaser at a revenue sale is entitled to enter upon the estate as it was at the time of the Permanent Settlement. In default of other evidence the Thak survey has always been accepted by the civil courts as conclusive evidence of the limits of an estate at the time of the Permanent Settlement. It is not certain what course the civil courts would take, were an auction-purchaser to claim to be put in possession as part of the purchased estate of lands which the Thak included within the limits of the estate, but which, having been subsequently lost, are recorded within another estate in the record-of-rights.

224. There can be no doubt that since the Permanent Settlement, no administrative measure has exercised so profound an influence upon the district as the revenue and Thak surveys. In the first place they supplied a detailed and accurate map of the district and thereby made modern administration for the first time possible. It is impossible to describe the fog which settles upon

Importance of the Thak and revenue surveys.

a traveller in the delta country, when accurate maps are not available. Direction, distance and delay are equally impossible to conjecture in a country which is a network of rivers. Before the revenue survey, administration in Bākarganj was mediæval, afterwards only could it become modern. In the special domain of land revenue and land tenure the Thak was the more powerful influence. The boundaries of estates were authoritatively defined, the more conclusively that all the proprietors in each village signed the village Thak map, encroachment became difficult and ousted landlords could seek the aid of the Civil Courts with some hope of success. As a result, the old type of sanguinary foray gradually died out, while the Civil Courts began to take their proper place in the pacification of land disputes. Fiscally the survey was of great help in the assessment of areas which had not been settled in perpetuity and particularly in the scientific discovery of alluvial accretion. There seems reason to believe that the survey brought some special disadvantage to the cultivators along with the general advantage of improved administration. Certainly enhancements of rent seem very generally to have followed it, perhaps because it made resort to *jimbā* much more difficult. The proceedings and methods of these surveys have been exhaustively described in the

Procedure.

Muzaffarpur final report and it is not necessary to repeat the description here. Bākarganj was however one of the later districts surveyed and the methods of the surveyors had undergone a considerable development. The Thak survey, which preceded the revenue survey by a year, was under the control of a Civil Superintendent, who was usually a member of the Civil Service and was aided by several Deputy Collectors. Amins not only demarcated the boundaries of the mauzas or villages, but measured with rod and compass the boundaries of the various estates which possessed land within the villages. The revenue surveyor then made a professional survey of the village boundaries, prepared a congregated map of several villages and filled it with topographical detail on the scale of 4 inches to the mile, while the Thak amin's measurements of the limits of the estates within the village were worked up by a combination of plotting and adjustment into a rough map of each village and of the estates within it on the scale of 16 inches to the mile. In Bākarganj Lieutenant-Colonel Gastrell, who was the author of most of the reforms in the procedure, was in charge of the survey party with such good

Value of the Thak and revenue survey maps in Bākarganj. results that the maps of the revenue survey remain singularly accurate representations of the country to this day. The Thak maps on the other hand have often been impugned; but impartially considered, the more closely they are examined, the more respect must be felt for them. As they were the only maps, which depicted in detail the limits of estates, the civil courts have always greatly depended upon them. They are however very unequal in value, because supervision was so slender that the map of each village takes all its colour from the character and capacity of the amin who surveyed it. If he were industrious and honest, his map was reasonably accurate; if he were lazy or dishonest, the map contains many errors. Probably most of the maps reach a fair standard of accuracy; but in the marshes, which were unhealthy and haunted by the wild buffalo, the Thak maps are usually worthless and they often contain mistakes in jungly villages, which were still common even in the more populous parts of the district. The boundaries of estates within a village have often varied considerably since the Thak maps were prepared so that where there is no agreement between the modern map and the Thak map there is no necessary presumption that the Thak map is incorrect. Where some of the estate chaks agree, it is reasonable to assume that the Thak survey was accurately made and that lack of identity with the modern map in other chaks is due to transfers of land between estates owing to encroachment or the *jimbā* system.

225. The Thak survey was made in the mainland of the district between the years 1858 and 1860 and the revenue survey by the fourth survey division between the years 1859 and 1863. The Sāhābāzpur island was at that time part of the Noakhali district. It was surveyed twice, by Captain Kelso in 1846-48 and by the first survey division in 1864-65, following a Thak survey in the previous year. Kelso's survey was rejected because there was no demarcation of estates

Description of Thak and Revenue surveys in Bākarganj. by preceding Thak survey, but his maps agree very closely with the later maps of the revenue survey. The annual reports on the survey work

in these years are eloquent of the difficulties met in Bākarganj. In the Thak survey, which proceeded from the north to the south of the district, zamindars and tenants were more unwilling than elsewhere to point out the boundaries of estates so that there was even armed resistance near Barisāl, while the amins were induced with great difficulty to go into the interior of the marshes. The people were very litigious and there were many boundary disputes to decide. These boundary disputes were decided by Deputy Collectors, who heard the parties, but delegated the duty of making local enquiries to peshkars. When the results of the Thak survey came to be compared with the Collector's Registers, an enormous number of discrepancies was found. Many estates had land in villages which were not named in the papers of the decennial Settlement while they had no land in villages which were named in those papers. Some estates were found without any land at all and many of the villages named in the Collector's papers could not be traced. The landlords were however unwilling to admit dispossession, and it was only after a special enquiry into each discrepancy that the Thak mauzawar and mahalwar registers could be prepared for the district. This work was indeed only completed in 1869. The Civil Officer* in charge of the work at Barisāl complained significantly enough of the danger of wilful alterations by the copyists, which were impossible of detection. It should be added that there was no Thak survey south of the Dampier-Hodges line where the Commissioner in the Sundarbans was ordered to make the demarcations and to erect masonry pillars. No trace of these pillars can be discovered. The Revenue Surveyor complained as bitterly as the Thak authorities that his men had never before so many difficulties to contend against as in the centre and south of the district. The Thaks or demarcation mounds of earth were neither permanent nor well placed. The population was obstructive and especially the landlords, who at first pretended that they had lost their authority over their tenants after the passing of the rent law. Nobody would help the surveyors over bogs and quagmires and few were able to point out the boundaries in such localities. The connections in the big rivers were a

* Mr. Pellew's No. 189, dated 27th October 1865, to the Secretary to the Board of Revenue.

technical difficulty. However a good connection was made in 1861 between Bākarganj, Tippera and the intervening island and a good triangulation in 1865 between Bākarganj, Noakhali and the islands in the Meghnā estuary, thus at last permitting an accurate map to be made of Eastern Bengal. In carrying out the series of triangulations in the Meghnā river—

“Many difficulties had to be encountered and overcome owing to the vapours constantly arising from the water and the lowness of the banks constantly obliging us to take our angles from stations often on a level with the water so that it was by no means easy to get a steady and distinct view across the water. In the mornings the fog was often too dense and when it lifted, but a short time was left ere the sun's rays operating on the dense atmosphere made the marks wave and dance, beyond all hopes of obtaining true readings. The nature of the banks, frequently composed of a thin stratum of clay over quicksand, made it difficult indeed to obtain a firm footing either for ourselves or for our theodolites; cutting lines through the heavy null, reed and gigantic flag jungles was also a serious obstacle to quick progress. Not a man could be obtained to help us in the task; we had therefore to do it entirely by the aid of our survey parties and to keep them to their task, to go ourselves at their head and break through the jungles with them. The heat and exhaustion were great; but the men acted admirably and reassured by us and our guns, had no longer any fear of wild animals with which these jungles abounded. Latterly when I reached the low jungly chars lower down the river, I had the mortification of seeing sometimes, as I looked through the telescope, my marks charged and knocked down by wild buffaloes, who thus showed their objections to anyone invading their solitudes.”*

The cost of the professional survey appears to have been about Rs. 30 per square mile and of the Thak demarcation and preparation of estate Registers about Rs. 50 per square mile. Kelso's survey in Sāhābāzpur cost only Rs. 11 per square mile, but the villages were very large. It must always remain a matter of great regret when so much was expended that the additional expense involved in a cadastral survey of the whole tract and a record of occupancy, albeit brief, was not attempted. Even as the work was planned, it was deprived of much of its value by the failure to show the estate boundaries in the village plans of the revenue survey and by the failure to erect permanent marks at village trijunctions, which although repeatedly urged by the Surveyor-General was obstinately refused by the Board of Revenue.

226. The management of the permanently-settled land revenue and the tauzi system have continued almost unchanged from the Permanent Settlement until the present day. The kists fixed at that time are in force to-day. The revenue is now as then paid in at the head-quarters of the district, whatever the distance of the estate from that headquarters may be, arrears now as then are punished by sale of the estate, sales now as then are held four times a year by the Collector at his head-quarters, many estates now as then have lands in several districts, so that the district officer now as then has many revenue duties to perform outside his district, when an estate borne on his revenue roll has land in other districts. The system is not well adapted to the modern conditions of Bākarganj, and much of it is a relic of days when fiscal needs and administrative arrangements were very different from what they are to-day. It is essentially an anomaly that a district officer's revenue jurisdiction should be different from his jurisdiction in the other duties of his administration. He and his subordinate officers may be called upon to make sales, partitions and enquiries, to assess local rates, to give possession or to undertake management in lands within the district of another officer and that officer and his subordinates may equally have to perform similar duties in his district. It would not be a matter of great difficulty where an estate has land in two districts to make two estates of it and to apportion the revenue between the districts, thereby making each district officer responsible for all the revenue work in his own district and for none of the revenue work in any other district†. The four kists for the payment of revenue and the obligation to pay at head-quarters had their origin no doubt in the difficulty and danger of moving specie in earlier times and in the necessity of spreading the receipt of revenue over the different quarters of the year. Now when the

Which is not well adapted to modern needs.

* Colonel Gastrell's report No. 256, dated 1st November 1860.

† The Zemindari of Saidpur is a good example. All its lands lie in one compact block in Thanas Matbāriā and Bāndāriā, but at the Permanent Settlement the proprietors were allowed to amalgamate therewith a taluk which the family held of a few hundred acres, situated in Dacca City and originally belonging to another pargana.

land revenue is only a small portion of the total revenue and when communications have much improved, a single kist and a single sale day would reduce work and be more convenient for all parties in a district which practically depends upon a single crop. As it is, landlords are forced to demand a portion of the rent at a time when tenants have no crop on the ground so that in many cases they are driven to the money-lender. Where also there is a complete machinery for local collection of rent in the Government Estates which are scattered over the district, there seems no reason why seventeen hundred petty proprietors with a revenue of less than fifty rupees should be compelled to pay that revenue and to register changes in ownership at the district head-quarters.* Where estates are so profitable, there can be no danger to the security of the revenue in decentralization; and when decentralization is increasingly urged in other spheres, its application to the tauzi system is worth consideration, although that system has been so long regarded in Bengal as the ark of the covenant that it needs courage to suggest that impious hands should be laid upon it.

The area under Temporary Settlement.

227. The Permanent Settlement deprives the country, in which it obtains, of all further fiscal interest. Fortunately Bakarganj in contrast to other Bengal districts has large areas in which the Permanent Settlement has broken down or was never made. Indeed in one-half of the whole district the Revenue authorities have had oppor unities for fresh fiscal experiments, of which they had taken advantage so amply that the fiscal history of that half is a tangled tale. The central motif in the his— is the struggle between revenue and relief from over-work. This struggle has been fought throughout a century

Fiscal policy in the area not permanently settled.

and it is perhaps still not free from doubt to which side victory will ultimately incline. In the beginning and until the Fifth Report of 1833, settlement in perpetuity was an idol before which all Bengal bowed down. It appealed to all officers of Government, to the higher because of the certainty of the yield of revenue, to the lower because of the relief which it afforded from petty fiscal toil. It involved a minimum of supervision, it was a machine which almost ran by itself. After 1833 the sacrifice of revenue in a permanent settlement became too obvious to be ignored, and an attempt was made to secure the simplicity of a permanent settlement without the loss of all the increasing profit from the land. Perpetual or temporary leases were granted as before to individual middlemen, but the revenue was periodically revisable. This involved toil at each periodic revision, but at other times no more labour than was required by an estate under permanent settlement. In the later years of the century the administration became less afraid of fiscal detail and more aware of the profits which were even under periodic assessment swept into the pockets of their middlemen, while at the same time the interests of the cultivator began to claim more attention and it was found that he was happy neither under a permanent settlement nor under a middleman of any sort. Tentative experiments were at last made in the direction of closer settlement at first with petty middlemen and finally with the cultivators themselves.

228. The fiscal history of this area is therefore full of interest. The area is made up partly of land which was in existence at the time of the Permanent Settlement, but was either not included in it or, if included, subsequently lost the benefit of it and partly of alluvial formations which were not then in existence at all, thus:—

	Sq. miles.
In existence at the time of the Permanent Settlement—	
Permanently settled, but subsequently purchased by Government	407
Not permanently settled—Jaigir 	23
Sundarbans 	610
Alluvium formed subsequently to the Permanent Settlement	510
Total	1,550

* The land of 1798 out of the 2089 permanently-settled estates is confined to a single thana and the revenue of 1228 of these estates is less than Rs. 10.

Of this area 1,008 square miles still remain under temporary settlement. In the remainder (542 square miles) settlements in perpetuity have been granted at a revenue of Rs. 4,03,829.

229. Dealing first with the permanently-settled estates which have been forfeited to Government by the operation of the sale law, the early policy was forthwith to make a fresh settlement in perpetuity on the best terms which could be obtained. A conspicuous instance is the Zamindari of Gopālpur Mirzanagar, which was permanently settled by the Noakhali Collector in 1862 at Rs. 10,170 on an area of 14,056 acres, a heavy sacrifice of prospective revenue. In later days only diluviated estates have been purchased under the sale laws. Before the Thak survey made it impossible, the proprietors used to conceal such remnants of their forfeited estate as the rivers had spared by transferring them to another of their estates or by seeking the *jimbā* of another landlord so that Government very often was unable to find any land belonging to the estate. After the Thak survey, such remnants were sought out and came into the possession of Government, which has also taken possession of reformations of the diluviated lands, when they have occurred. Of these estates a temporary settlement has usually been made, although perpetual settlements have been frequent in modern times, where the estates were small and isolated. The lands are much scattered and in the aggregate they cover only a small area; as the terms of settlement were always governed by the policy prevailing in the rest of the temporarily-settled area, it is not necessary to deal with their fiscal history in detail. In respect of all purchased estates except Buzrugumedpur, the following table summarises the results of resettlement until the beginning of the present operations:—

	Number.	Present area.	Revenue at Permanent Settlement.	Revenue at District Settlement.
		Acres.	Rs.	Rs.
No land discovered ...	305	Nil	9,973	Nil
Under temporary settlement	28	1,127	6,644	1,416
Resettled in perpetuity—				
(a) with land ...	39	15,450	9,255	12,263
(b) without land ...	23	Nil	1,301	307
Total ...	395	16,577	27,173	13,986

230. Only one of the purchased estates—Buzrugumedpur—is important enough for further description. It was purchased in 1799 and was for 75 years the bugbear of every Collector who came to the district. The lands of Buzrugumedpur were very extensive, but they had mostly been granted in jangalburi taluks, several of which were old, but many of which had been created in the few years preceding the Permanent Settlement. Some of the more lucrative of these taluks were *nij* taluks of the proprietors. In addition there were lands which had been retained by the proprietor as his personal demesne and there were extensive claims in the forest to the south of the estate. There is a great deal of correspondence amongst the district records concerning Buzrugumedpur, and the Collector of Dacca had the greatest difficulty in obtaining possession and information and in collecting rents from the talukdars. The final settlement of the lands of the estate took a long time. Direct management was tried for two years and failed and the Board of Revenue then determined upon the separation of the dependent taluks, as it was considered that this offered a far more certain means of collecting arrears. The separation was effected by 1813 and involved a settlement in perpetuity of the rents. The rents which were thus made perpetual were the rents found in the papers of a *bāhwārā*, which was made just before the Permanent Settlement. Government by no means approved, pointing out that *jangalburi* taluks were expressly not entitled to separation and that without a fresh *jamābandi* it was wrong to consider the rents collected by the zamindar to be the ultimate limit of the Government demand. By

this separation all the rights of proprietors were conferred upon the erstwhile dependent talukdars. The valuable *nij* tenures of the old zamindars were also secured to them on these easy terms. Apart from the taluks, the land held in closer settlement by the proprietors, the zamindar's private demesne, was at first farmed, while the chakran or service lands were assessed to revenue. In 1822 the revenue obtained was only a little more than Rs. 2,46,000, although at the decennial settlement 20 years before it had been Rs. 1,93,181, and the proprietors had obtained a rent of Rs. 2,46,000 from the dependent taluks alone. Subsequently all the demesne was sold at a five years' bonus on a rental fixed in perpetuity and the total revenue amounted to Rs. 2,73,000. Some of the taluks have since been bought in at sales for arrears of revenue so that the revenue to-day amounts to Rs. 2,84,000, including ferries and fisheries. By these proceedings 635 estates have been put on the roll in place of the original zamindari, of which 578 are still in private hands, 40 have been purchased by Government, 4 have redeemed their revenue, 2 are ferries and 3 fisheries, while 7 are admitted and 3 are concealed *lakhiraj*. These estates occupy an area of 179,110 acres, afford their owners a profit of more than Rs. 2,50,000 and have a rental value of more than eleven lakhs of rupees. Had it not been for the policy of settlement in perpetuity, the purchase would to-day have brought in an additional revenue of three or four lakhs of rupees; but even in acceptance of that policy it would appear that a much greater revenue must have been secured, if only by a survey and a fresh investigation of assets of the estate some attempt at a real knowledge of the conditions of the estate had been made before the fresh settlements in perpetuity were concluded.

231. This is not however the whole of the lamentable tale. In the haste to get rid at all cost of the trouble of management, sixty-five thousand acres of forest were settled in perpetuity at a revenue of Rs. 1,615. There were two grants, Rāmnā Bāmnā and Ailā Phuljhuri. In Rāmnā Bāmnā it is true the quondam zamindar had given an *amaluāmā* just before the sale of his estate, but reclamation had barely begun and the grant included twenty times as much land as could then have been under cultivation. Fortunately Rāmnā Bāmnā came again into the hands of Government, but the passion for granting permanent settlements was not to be denied and a fresh settlement in perpetuity was concluded in 1842 at a much more reasonable revenue. The grant of the villages of Ailā and Phuljhuri was made in 1805 with the concurrence of the Board of Revenue. Both of the villages were at that time forest and the Collector of Dacca wrote that from the information which he had been able to gather through his officers, the land did not appear to be able when brought into a state of cultivation to bear a much higher assessment. The "officer" who gave the information was

Peppercorn grants of the forest in Buzrugumedpur.

the real applicant for the lease, the Naib of Buzrugumedpur, who subsequently absconded and was prosecuted for the embezzlement of seventy thousand rupees. Seven years after the grant was made, his family sold it to the ancestor of the present Nawabs of Dacca for Rs. 21,000. The boundaries in the *pāltā* were vague, and not content with obtaining 44,000 acres at a revenue of Rs. 372 a year, the owners sued Government, fortunately without success, for a further sixty thousand acres. The long litigation which began in 1830 was only ended in 1870. The grant was obtained by fraud and this was known two years after it was made. There is a vast amount of correspondence about it, yet it was never measured and it was never impeached on the ground of fraud. It must remain a mystery why it was not cancelled when the naib absconded. Had this step been taken, no more would have been heard about it. The sacrifice of revenue in these two grants was not only enormous, but the existence of the grants made impossible the resumption of the lands as part of the Sundarbans to which they really belonged:—

Grants.	Revenue.	Area.	Assets of the proprietor.	Rental value.
	Rs.	Acres.	Rs.	Rs.
Ailā Phuljhuri (1805) ...	372	43,974	1,17,137	2,94,833
Ramua Bāmnā—				
Original ...	1,243 }	20,802	29,031	99,510
Revised (1842) ...	19,488 }			

232. Jaigir was not of much importance in Bākarganj. Claims to hold revenue-free were dealt with according to the terms of Regulations XXXVII (*bādshāhi*) and XIX (non-*bādshāhi*) of 1793. The enquiries which were continually being ordered by the Board of Revenue and for which there was a most complicated machinery of Special Commissioners and of appeals were spread over a very long period in Bākarganj and were indeed not concluded until the *Thak* survey. They had a very small result. The area resumed as invalid lakheraj was only 2,070 acres. It was by the terms of the Regulations entitled to a settlement in perpetuity at very favourable rates upon the principle of tempering the wind to the shorn lamb and the actual revenue settled upon it was Rs. 2,258. The area recognised as valid lakheraj consisted of 3,297 acres in 10 grants according to the figures of the *Thak* survey. There was also a small number of petty grants, mostly invalid, against which proceedings were dropped or were never instituted. These are known as *chhāpi* (concealed) lakheraj in Bākarganj, but elsewhere as "nyn khalasi," *i.e.*, released as being less than 50 bighas. This limit was fixed by the Board of Revenue, but was interpreted by them as being a village limit and not a grant limit, an interpretation which had some curious and illogical results, thus a grant which spread over four villages with 40 acres in two and 60 acres in the other two would have been resumed in two villages and ignored in the other two. The area as measured in the district survey of these two classes was as follows:—

			Acres.
Valid lakherāj	...	...	9,167
Chhāpi lakherāj	...	...	2,885
			— — —
	Total	...	12,052
			— — —

233. It will be observed that the area recorded in the record-of-rights as belonging to the lakherāj properties recognised as valid is immeasurably greater than the area which was released. This is due almost entirely to an increase in area of Debatra Madan Gopāl Thākūr (No. 20 in the Collectorate B Register), the family domain of the Chandradwip Raj family, although it has now passed by sale out of the hands of the family. The increase by which 419 acres became 6,336 acres may have been due to encroachments on the Chandradwip zamindari, but more probably represents the real area of the domain, the extent of which was concealed at the time of the resumption proceedings and in the *thak* survey, which followed closely upon them. A similar increase, although not of so astonishing a nature is to be observed in other revenue-free properties and particularly in Nos. 5 and 15. All these increases were reported to the Collector on 1st April 1911 for detailed investigation and reference to the Board of Revenue, but the pressure of other work has been too great for the Collectorate staff as yet to take the investigation in hand.

234. The Nowara Jaigirs were resumed at the time of the other lakherāj resumptions. The resumption was made by a special officer working in Dacca, and under the orders of the Board of Revenue permanent settlements were made of the Nowara lands at the favourable rates extended to invalid lakherāj. The reasons for this exceptional treatment are not traceable in the papers preserved locally. The Nowara lands were not in any sense of the term revenue-free properties, as they were assessed to revenue like other estates, but the revenue was allocated to the maintenance of a fleet to keep Mughls and other pirates in check. After the British assumption of the dewani, they were appropriated to the support of the Naib Nazim and it was only after the abolition of an independent Nizamat that they were resumed. They were neither in law nor in fact entitled to treatment as invalid lakherāj, nor were they entitled in law to a permanent settlement. However after the manner of the time a permanent settlement was granted to them. The following summary shows

the terms upon which they were settled and the sacrifice of revenue which the settlement involved:—

Number of Estates.	Total area. Acres.	Revenue. Rs.	Assets of proprietor.	Rental value. Rs.
18	824	644	1,796	2,662

Alluvium.

25. The chief resumptions in Bākarganj were however of alluvial accretions and islands under the authority of Regulation II of 1819 as explained by Regulation IX of 1825. By these regulations any accretion which formed in any river subsequent to the Permanent Settlement belonged to the proprietor of the land to which it adhered, but was assessable to additional revenue; while any island thrown up in a public navigable river and surrounded by unfordable channels belonged to the State. In a district such as Bākarganj

with hundreds of oscillating rivers the amount of land which has formed since the Permanent Settlement has been immense, but it has been the practice to assess only accretions on the larger rivers. As far as can be ascertained, no action was taken in Bākarganj until some time after the procedure Regulation (VII of 1822) was enacted, but resumption of alluvial accretions was very active between the years 1829 and 1837. By Act IX of 1847 the procedure was entirely changed and resumption was only allowed upon a revenue survey made ten years after the preceding revenue survey. Of islands however Act IV of 1868 permitted possession to be taken at any time. In accordance with Act IX of 1847 a Deara survey was made in Bākarganj in the years 1879-1881, but was confined to the Ganges and Meghnā rivers. It was conducted by Babu Parbati Charan Ray, Deputy Collector, and was followed by a flood of litigation which was not concluded for many years; altogether 9,492 acres were lost by Civil Suit and 24,058 acres were resumed and assessed with a revenue of Rs. 16,936. A fresh Deara survey is going on at the present time, but the results are not at present known and cannot be incorporated in the following tables, which represent the total area resumed as alluvial islands and accretions. It should be noted that the area given is the area at the time of the district survey and is very much larger than the area at the time of resumption:—

	AREA RESUMED AS ALLUVIAL ACCRETION OR ISLAND—							
	BEFORE 1847.				AFTER 1847.			
	Accretions.		Islands.		Accretions.		Islands.	
	No.	Area.	No.	Area.	No.	Area.	No.	Area.
In Bākarganj mainland ...	129	24,275	52	21,403	87	15,303	31	15,445
In the Sahābāzpur island	25	48,291	42	81,090	26	19,855	23	58,649
In the Sundarbans ...	2	4,479	2	8,288	5	6,793	18	22,483
TOTAL ...	156	77,045	96	110,749	118	41,951	72	96,577

236. A careful examination of Major Rennel's map gives the impression that the resumption authorities failed to secure a great deal of land on the banks of the Arial Khan, which formed after the Permanent Settlement. Whether this be true of the Arial Khan or not, it is certainly true of the south of the Sāhābāzpur island, where the zamindari of Krishnadebpur was permitted the enjoyment of vast accretions without further assessment. On the other hand the deara surveyor, Babu Parbati Charan Ray, did his work well in the most discouraging circumstances. But the subordinates of the district staff

have always found the resumption of alluvion a tempting field. There is hardly a large accretion in which some fraud or misconduct has not been detected. In one case some members of the Collector's staff secured possession of a large and lucrative island (Ilsā Ghāgrā) by a forgery, while in later years there is every reason to suspect that the staff which investigated resumptions on the Meghnā was in the pay of the riparian zamindars. In the islands of Meghnā and Buller the rights of Government were only saved after independent investigation by the settlement authorities of releases which had been made on the recommendation of the Collector's revenue subordinates. The Sāhābāzpur island is dotted with the irregular acquisitions of members of the old settlement and khas mahal staffs, and the Collector's directions for a settlement of new lands with the actual cultivators have been repeatedly set at naught by *benāmi* arrangements with moneyed men, which these staffs have engineered. In the vast new island, which is slowly forming at the head of the delta, Government rights have been thrown away with both hands. In one case (chur Kālmi) mismanagement of a civil suit led to the loss of additional revenue on 3,000 acres, when the plea that they were part of a permanently-settled estate was upheld in civil litigation, although the contract of the claimant specifying the area for which revenue was being paid and stipulating to pay additional revenue for accretions lay at the time in the Collector's record room. In another case (chur Trailakya) a subordinate took advantage of the Collector's ignorance of a difficult question of reformation to obtain an agreement by telegram to an unfortunate compromise in the High Court of a suit which Government had won in the lower courts.

237. The following statement exhibits the fiscal condition of alluvial estates at the time of the district settlement operations :—

	ACCRETIONS.			ISLANDS.		
	No.	Area.	Revenue.	No.	Area.	Revenue.
Mainland—			Rs.			Rs.
Private estates permanent-ly settled.	51	13,037	22,160	39	5,577	10,884
Private estates temporarily settled.	145	24,837	48,630	...	...	...
Government estates ...	20	1,695	5,241	44	31,262	45,897
Sahabazpur islands—						
Private estates permanent-ly settled.	2	6,528	8,856	24	17,341	27,864
Private estates temporarily settled.*	43	58,164	99,770	...	...	...
Government estates ...	6	3,454	3,914	41	1,22,407	97,683
Sundarbans—						
Private estates permanent-ly settled.	2	4,479	3,763	...	...	...
Private estates temporarily settled.	4	5,822	2,405	...	...	...
Government estates ...	1	970	1,578	20	30,739	2,138
Total ...						
Private estates permanent-ly settled.	55	24,044	34,779	63	22,918	38,748
Private estates temporarily settled.	192	88,823	1,50,806	...	...	...
Government estates ...	27	6,119	10,733	105	184,408	1,45,718
GRAND TOTAL ...	274	118,986	1,96,318	168	207,326	1,84,466

* Accretions in Bijainagar and Kalmi, which have been amalgamated with original estates. The Government estates amongst the accretions have been purchased in sales for arrears of revenue.

238. In the mainland these estates are so scattered and so diverse in age size and conditions that no generalizations are possible concerning them. A large number lie on the banks of the Arial Khan river. In earlier days it was usual to make settlement with the proprietor at so much a *bigha* and to leave him to make his own arrangements for developing the estate and assessing the tenants until the estate was fully cultivated, when a settlement in perpetuity was usually given to him. In the resumptions after the deara survey another method was very common. Rents were settled for the tenants found in possession and the proprietor was offered settlement at 70 per cent. of his rent-roll. In the *jamabandi* or record-of-rights which was prepared to embody the proceedings these tenants were indiscriminately recorded as occupancy raiyats, although very often they were in law tenure-holders, when they held tenures on the bank to which the accretion had adhered. The cultivators who held under them were thereby reduced in status to under-raiyats or tenants-at-will, when they were by law entitled to an occupancy right. In the Sundarbans the islands in the Meghnā estuary are too much cut off from civilisation and too much exposed to cyclones and tidal waves to tempt any but the hardier colonists. Several attempts have been made to settle them with capitalists, but all have failed and they are chiefly of value to-day as grazing grounds for great herds of buffalo.

239. The fiscal history of the resumptions in the Sāhābāzpur island has been much more uniform and exhibits few points of similarity with the history of resumptions in the rest of Bākarganj owing to the fact that the island was at that time part of Noakhali and came to the system of farms and haolas employed by Sir Henry Ricketts. After resumption the accretions were let in farm for twenty years, after which those which were considered fully developed were settled in perpetuity with the farmer, while the rest were retained under temporary settlement with the same or another farmer. A large number of the estates fell in for resettlement about 1870 just after the island had been transferred to Bākarganj and at a time when there had been much discussion concerning the revenue policy of Government, which had resulted in an order of the Board of Revenue, circulated with the approval of Government, that the basis of settlement should be in all cases the rents actually paid or fairly payable by the cultivating raiyats of an estate under settlement. The Collector of Bākarganj apprehended serious trouble even amounting to rebellion, if this basis were made the basis of settlement in Sāhābāzpur. The Board of Revenue referred the whole question of the treatment of Bākarganj haoladars to Government in a letter (No. 194 A., dated 29th March 1876), which explains clearly the peculiar conditions in the resumed estates of the Sāhābāzpur island and from which the following extracts are taken :—

In letter No. 483 A., dated 9th December 1874, the Board submitted to Government its views as to the mode in which the assessment of tenures should be fixed in estates under settlement and as to the proportion in which the allowances made to tenure-holders should be divided among the several parties possessing various degrees of proprietary interest in the estate. In paragraph 7 of that letter reference was made to the local custom of Backergunge by which the assessment had been based, in certain estates, not on the rent paid or payable by the cultivating ryots, but on that paid by the class of tenure-holders known as haoladars. In Government letter No. 2584, dated 21st December 1874, the Government approved of the principle laid down by the Board, that the basis of settlement should be in all cases the rents actually paid, or fairly payable by the cultivating ryots of an estate under settlement. 'It was never contemplated by Government,' the Lieutenant-Governor remarked, 'that the proportion of the assets to be allowed to Government as revenue should depend upon the existence or non-existence of intermediate tenures upon the estate.'

2. The Board have consistently endeavoured to give effect to the principles thus laid down in all the recent settlements which have come before them. In most cases they have found no difficulty in applying them; but in Backergunge their introduction has given rise to a voluminous correspondence, and brought to notice questions of much difficulty which have finally necessitated the present reference to Government. The Member in charge has discussed the whole subject personally in conference with the Collector of Backergunge, the Legal Remembrancer, and the officiating Secretary to Government in the Revenue Department, and he will endeavour now to place the matter before Government in a clear and connected shape for final decision.

3. Nearly all the settlement work of late years in Backergunge has been carried on in estates which, whether the property of Government or of individuals, were some fifty years ago mere wastes of jungle. The general way in which they were reclaimed was the following. A large tract would be let for term of years to a 'farmer,' or what is termed an *abadkari-talookdar*, who undertook to pay a certain lump sum for the whole. This settled, he proceeded to reclaim either by bringing in and settling ryots (*jotedars*) immediately under himself, or by making over certain portions of the land to a class of tenants known locally as *haoladars*, who undertook to reclaim these lots by either cultivating themselves, or finding ryots to cultivate below them. The *haoladars* again would often sublet portions of their holdings to *nim-haoladars*, and so on, until there arose frequently, between the settlement-holder and the cultivating ryot, a series of tenure-holders, all or many of whom were perhaps themselves, as regards portions of their holdings, cultivators as well as tenure-holders. In the case of smaller estates the whole area would occasionally be settled, not with a farmer or *talookdar*, but directly with one or more *haoladars*. In subsequent settlements, whether of rent by the proprietor or of revenue by the Government officers, it has apparently been the custom of the district to fix the rents of *haoladars* at a rate somewhat more favourable than those of mere *jotedars* holding directly from the proprietor, farmer, or settlement-holder, and it has never been the custom to interfere with, or take any effective cognizance of, the rates payable to the *haoladar* by any subordinate tenants or cultivators holding under him. The rent or revenue of the estate has, in short, wherever the whole area happened to be let out in *haolas*, been fixed upon the basis of the *haoladari* rates, without direct reference to those of the cultivating ryots. Thus, for instance, if the ordinary rate payable by a cultivating ryot holding under a farmer was Rs. 4 per *kani*, the *haoladari* rate would be perhaps Rs. 3-12 per *kani*, in addition to which a certain percentage of extra land (so many *karas* per *kani*) was usually allowed to the *haoladar* free of assessment by way of, as it is locally termed, *mathan*, or profit.

4. It is obvious that the original object of these arrangements was to encourage the reclamation of waste land by making it the interest of these tenure-holders to seek for and bring in cultivating ryots. But in the course of years circumstances have in many cases changed. The custom has spread without there being always the same justification for it. The farmers and settlement holders have created *haolas* even in cultivated estates without any proper authority. The *haolas* have been bought and sold by speculators in land rent as though they were ordinary talooks or tenures, and all classes concerned claim now the perpetuation of the system of favoured assessment which was in its inception only designed to meet the exceptional early circumstances of unreclaimed estates. Settlements very similar in principle were made in former years in other parts of these provinces. But it has elsewhere been usually held that the allowance of favourable terms of assessment during the period of reclamation did not prevent the application of the ordinary principles of assessment when the estates came under resettlement as ordinary properties. Of course the Revenue authorities have always dealt liberally with reclaimers of jungle; but as regards the *mode* of assessing their tenures after the expiry of the term allowed for reclamation, it has not been considered that there was anything to bar the Government from going down to the rents fairly payable by the cultivating ryots.

5. The Board, acting upon the orders of Government, have endeavoured to apply these ordinary principles of settlement in Backergunge. But the Collector now represents that it has not yet been found possible to induce any of the *haoladars* to accept settlement on the terms proposed. Mr. Barton urges that 'the chief element of value in the *haoladari* tenure lies in this, that the settlement officer fixes the rate which the *haoladar* shall pay to the farmer or Government, but does not fix the rate which the cultivator shall pay to the *haoladar* for lands which the latter may lease to him within his tenure.' The *haoladar* settles with the actual cultivators at the best rates he can get. The *haoladars* care nothing for the mere recognition of their tenure as a tenure on the estate unless it is assessed in the manner hitherto customary. They do not claim to hold free of enhancement. They do not even object, it now appears, to the settlement officers ascertaining the rates actually paid, or estimating those fairly payable by the cultivating ryots for the different qualities of soil. And they allow the settlement officer to make use of those rates as a rough sort of guide to the fixing of the rate per *beegha* that the *haoladars* should pay. But they protest against his *recording* the holdings and rates of the ryots holding under them. They will not hear of his drawing up, as is usual in settlements under Regulation VII of 1882, a *rai-yatwari jumma-bundi*, the effect of which would, they contend, practically be to prevent their recovering from their ryots during the term of settlement any higher rates than those recorded in the *jumma-bundi*. The substance of the argument of the *haoladars* is thus put by Mr. Barton: 'They have all the risks connected with the land in their *haolas*. If ryots do not pay or run off, or die without assets, they have to suffer. They have to stand the expense of litigation with their ryots. If there is a bad year and the ryots raise no more rice than will feed them, the *haoladars* have to let their rents stand over till next year, and have often then to borrow money at 24 per cent. to pay the Government revenue. Again, at the end of every year not less than a quarter of their rents is outstanding, and yet they have themselves to pay up punctually. The offer of a percentage in the manner proposed by the Board upon their ryots' rates would not be an adequate return to them. They get more under existing arrangements. And their *haola* right consists in the maintenance of those arrangements.' They would not be unwilling, he thinks, to

give up the allowance of *mathan*, or excess land, but they will not accept any system of remuneration by a mere percentage on ryots' rates, and will fight the matter out in the courts to the last.

6. There is nothing, the Member in charge considers, in Mr. Barton's description of the haoladar's risks and position to distinguish him from any other middleman or talukdar, and did the question turn merely on that ground there would be no need to enquire whether any departure from the ordinary principles of settlement should be allowed in these cases. The allowance made to cover charges of collection is a fair consideration for all such risks. But we are here undoubtedly confronted with a strong local feeling, a plainly established local custom, and a population of a difficult and turbulent character. In most of the cases that have come before the Board the estates are the property of private persons, but it is seldom indeed that the proprietor will accept settlement. He prefers to draw his 10 per cent. malikana undisturbed, and to leave the risk and trouble of managing the haoladars and ryots to the Government farmer. It is certain that we shall find it impossible to effect amicable settlements in the manner first proposed by the Board and Government, and we must be prepared, if we insist on this course, to support our farmers in the courts, and to maintain order, if need be, among the peasantry of these outlying tracts. It behoves Government therefore to be very sure of its position legally, and to select its line of policy with full advertence to all the facts.

12. The above proposals of course refer only to those haolas which we are bound to recognize either by the fact that they have been duly recognized already by the proprietors of estates when in possession, or by our settlement officers acting on behalf of Government. Wherever a tenure of this kind has been created by a farmer without authority during the currency of his lease, it should be set aside, unless there are any special reasons for now recognizing it. Actual clearers of jungle should be encouraged, but no others. In the same way the settlement officer should set aside all unauthorised creations of nim-haolas or other subordinate tenures by the haoladars.

13. Much of the mischief done by excessive sub-infeudation on these estates has arisen from the long terms of leases originally given. Ten years is probably quite long enough for a settlement, as the land is rapidly brought under cultivation, and it becomes very difficult to get rid of the tenures that creep in during the period of a 30 years' lease. It seems, moreover, in the present uncertain state of the currency very unwise to admit engagements at fixed rates for long periods.

240. The decision of Government was recorded in a minute by the Lieutenant-Governor of Bengal, dated 26th April 1876, which was circulated to the local officers to form the basis of their proceedings. This minute ran as follows :—

A question has been submitted by the Board of Revenue regarding 'haola' tenures in the deltaic district of Backergunge. A haola tenure means the grant by the landlord of a certain limited area of waste land to a small agricultural capitalist, called the 'haoladar,' in order that he may reclaim it : he settles down some cultivators on the land, advances them some little money wherewith to erect homesteads, buys ploughs and cattle, and gives them seed for sowing the food-crops, and the like : he collects rents from them year by year, and pays some quit-rent to the landlord. The rents realizable by the haoladar from the cultivator follow the conditions of all other rents. The quit-rent payable by him to the landlord is generally variable, and may be enhanced according to circumstances. The permanency, however, of his tenure as haoladar, and his position as middleman between the landlord and the cultivator, is, as I understand, not open to question. So long as he pays the quit-rent to the landlord, he may keep his tenure and make his own arrangements with the cultivators.

2. Such is the general case with the haola tenures in private estates permanently settled.

3. But there are many estates, some belonging to Government and others to private persons, in which the dues receivable by Government are temporarily settled for terms of 20 and 30 years from time to time. Some of these have been leased to farmers. A new settlement is now being made of the Government revenue, and the settlement officers are at the same time fixing the rents payable by the cultivators. In most of these estates there are haola tenures, and as a new settlement is being made, a question has arisen as to whether the settlement officer has a right to determine the rents receivable by the haoladars from the cultivators, as well as the quit-rent payable by the haoladars. The haoladars, who constitute an important class, while admitting the right of the settlement officer to revise the haola quit-rent, yet strongly object to the rents of the cultivators being fixed by the settlement officer, alleging that this matter should be left to be arranged between the haoladars and the cultivators ; on the other hand, it is urged that these cultivators are entitled to have their rents fixed by settlement, as all other cultivators.

4. After considering all that is submitted by the Board of Revenue, I think that, wherever a real haola tenure has arisen, the right of the haoladar to settle the rents with his cultivators, without interference from the settlement officer, must be allowed. This right arises from the nature of the case and the custom of the country. If this were not allowed, I should apprehend, after consulting the Collector, that some trouble might arise in the district.

5. Some of these tenures have been informally granted, but have acquired validity from having been indirectly or tacitly acknowledged in previous settlements. In these cases the full haola right must be allowed.

6. In other cases there appear to have been temporary, recent, or unauthorized acquisitions of tenures, which are now called haola, but which cannot be so acknowledged formally. Such cases are grants made by farmers within the period of the expired settlements, or even by other authorities not competent. In such instances a permanent haola tenure cannot be recognised; the land must be settled like all other lands, and the rents of the cultivators must be fixed by the settlement officer.

241. It is only necessary to make two comments on these transactions, the first, that the information at the disposal of the Board of Revenue was not in all respects accurate, the second, that the policy then outlined was never completely carried out. A careful examination of the haolas in the estates in question shows that the number held at any time by agriculturists or even by residents of the estate was very small and that nearly all such were

Orders based on defective information regarding haoladars.

of a very inconsiderable area. All the larger haolas and the vast majority of all haolas were held by Hindu money-lenders and others of the non-cultivating classes, living in distant districts and chiefly in Faridpur. A great many were nij-haolas of the various farmers who had held the estate and had no intention of relinquishing the whole of it, when the period of the farm was up. No inconsiderable number was held by the revenue staff of the district. The wife of one Settlement Deputy Collector in particular was a large owner of haolas. The picture drawn therefore of the haoladar as agriculturist, supporting tenants who were really agricultural labourers, is largely fictitious. The apprehensions of a disturbance in the district which so largely influenced the decision wear a different aspect, when the potential rebels are seen to be not turbulent sons of the soil but distant money-lenders and the wife of a revenue official. Where subinfeudation is so extensive and so peculiar, it is always an easy thing for the revenue subordinates to hoodwink their Collector. Fifteen years later a large number of settlements were carried through on the basis of the rents of cultivators without a hint or murmur of disturbance.

242. The effect of these decisions was to permit settlement with haoladars and to leave haoladars to make their own arrangements with under-tenants, to cancel unauthorised haolas and to limit the period of settlement to

Orders not completely carried out

10 years. The first two orders which suited both haoladars and the settlement staff were obeyed until the passing of the Tenancy Act made settlement of the rent of all classes of tenants part of the law, the final two orders were ignored. Pressure was put upon the staff to grant long-term settlements and many were granted for 30 years, while the settlement staff took care that no inconvenient enquiry into the validity of haolas should be initiated. As regards the term of the settlement, the Board's sanction was always obtained without any indication that it involved the contravention of policy deliberately conceived. One of the difficulties of dealing with the history of land-revenue policy in Bākarganj lies in its lack of continuity. Broad principles were never authoritatively laid down for the guidance of revenue officers, who were allowed or assumed a discretion in the application to similar cases of methods and rates determined in any one case after long discussion. Thus in estates of the same nature assessed at the same time in the same locality there will be infinite variety in the classes with whom engagement is made, in the rate of profit allowed, in the length of term, in the conditions enforced and in the rates of rent imposed. In Sāhābāzpur at this time some farmers got their farm for ten years and some for thirty, while others got a perpetual lease at an enhanceable revenue and others again a perpetual lease at a permanent revenue, although no reason is apparent for the difference in treatment proposed by the local settlement officer. Thus in the case of granting permanent settlements, which were especially numerous in the years 1863 and 1864, there was a reaction in the early seventies and some orders were passed condemning and restricting the practice, yet I find that 7 estates were permanently settled in the Sāhābāzpur Island between the years 1873 and 1880, one in 1886, and one in 1895.

243. Altogether 26 of the resumed alluvial accretions in Sāhābāzpur were permanently settled. The rate at which they were settled and the sacrifice of future revenue involved is shown in this table:—

Area in acres.	Revenue.	Rate per acre.	Profits of proprietors.	Rental value.
	Rs.	Rs. a.	Rs.	Rs.
23,868	36,720	1 8	67,495	96,510

The Sundarbans.

244. The most lucrative and the most interesting of the temporarily-settled properties in Bākarganj is the Sundarban forest, which lies on the sea coast in the southern part of the district, but at the time of the British occupation extended far into the centre of the district and covered 610 square miles.* Attempts were made to bring these forests under cultivation even before the permanent-settlement, while during the 120 years which have elapsed since these first experiments every imaginable expedient has been tried in order to convert them rapidly into rice-fields. All the facts in the history of the Sundarbans have been set forth in great detail in Mr. Pargiter's "Revenue History of the Sundarbans from 1765 to 1870." It is difficult however to extract a connected history of the Bākarganj Sundarbans from this great quarry, as it combines into one account transactions which took place in the three separate districts which the Sundarbans covered.

245. Under the rule of the Muhammadans the forest was regarded as belonging to the State and not included in any zamindari. This view was adopted by the early British administrators and the first systematic attempt to bring the forest under cultivation was made in accordance with a plan propounded by Mr. Tilman Henckell when Judge and Magistrate of Murli (Jessore) to Warren Hastings on 20th December 1783. The plan was to lease the land in small lots to cultivating raiyats, who would hold directly under Government and renew the former prosperous cultivation of the Sundarbans during the early days of the Moghul Empire. Cultivation would bring other benefits in its train, as it would drive out the dacoits and facilitate the manufacture of salt. The Governor-General approved the plan on 7th February 1784, appointed Henckell "Superintendent of the Sundarbans" and sanctioned the terms of the grants which were to be given. Henckell showed great activity and soon had leased a lakh of *bighas*, but in many cases the neighbouring zamindars claimed the land and there was great confusion until in August 1786 he defined the limit of the forest by planting bamboos as far east as Buzrugumedpur. This line was well known as Henckell's '*bānsqāri*.' Unfortunately Henckell left in 1789. Everything was in confusion and his successor in March 1790 pronounced the scheme to be a failure, not from any inherent defects but from want of data for determining what was Sundarban land. The Board and Government were discouraged, the scheme was abandoned on 20th August 1790, and it was more than a century before another attempt to settle the Sundarbans directly with cultivators was made. Few of Henckell's grants survived the confusion which followed his retirement and the hostility of the zamindars after the Permanent Settlement. Those which survived had changed their character. They came to be known as Henckell's "Taluks" and were even designated parganas. In fact instead of being cultivators, as was originally intended, the lessees had acquired the name and status of Talukdars. This seems to have been the result of the severe struggle to which they were subjected and which eliminated the weaker lessees. Many of the original grants were amalgamated and the influential men who survived could not be called raiyats. Probably the grants were always too

* The total area of the tract which was resumed as belonging to the Sundarbans was 610 square miles, but with later accretions and with the islands in the Meghna Estuary the area now amounts to 697 square miles. In these later accretions 18,088 acres have not been resumed or assessed, 4,779 acres have been permanently settled at a revenue of Rs. 3,753 and less than 2,000 acres of the remainder is cultivated or has been leased out.

large to be cultivated by a raiyat, and in any case those were not days in which a small man could stand alone.

246. Three of these grants have survived in Bākarganj, Kalerān Chandi-
Henckell's taluks in Bākarganj. pur, known as Pargana Bijainagar, on the extreme
 east of the district and two islands in the Meghna
 Estuary, Rām Hari Char and Char Kālmi. The conditions of the grants,
 which are very clear, have never been carried out. They were never
 permanently settled, although settled at a fixed rate of rent upon such land
 as was found on measurement to be cultivated. In the confusion which
 followed the permanent settlement, no measurement has ever been made and
 they have been placed upon the tauzi as permanently-settled estates.
 Furthermore although the area of the grant was specified in the lease and
 there is an express clause that all additions shall bear an additional
 assessment, this provision has never been acted upon in the island grants,
 although at the Thak survey each grant was found to be several thousand
 acres in excess of the original area. Henckell's three grants were actually it
 appears for 256 acres and a revenue of Rs. 348.

247. It was only after the Permanent Settlement that the zamindars really
 came into the field. Their claims were not moderate, as they claimed between
 them the whole forest up to the sea. In meeting these claims, the policy
 originally laid down was to reject any claim which was not substantiated by
 a specific entry in the *hastabud*, upon which the decennial and therefore
 the permanent settlement was framed in each estate. It was not easy
 however to decide claims where there were no clear maps, nor to deal with
 encroachments. It was found moreover that interpolations were constantly
 being fabricated in the *hastabuds*. The boundary of the forest was always
 fluctuating, and in the absence of any legislative enactment every act done
 or lease granted could be challenged by the zamindars in the civil courts.
 These were the days when the relations between the judicial and the
 executive were strained. The zamindars took everything to the courts,

Claims by zamindars lead to progress was entirely stopped and the delays in
 legislation securing the Sundar- the civil court were so great that the position
 bans for the State became hopeless. Legislation was the only
 alternative to loss of the Sundarbans. Legislation was therefore undertaken,
 but it was not until 1828 that it was complete, as the early laws although
 their intention was obvious left a loophole through which the zamindars
 could creep to the civil courts and thereby paralyse the executive. By
 successive Regulations XXIII of 1817, II of 1819 and III of 1828 it was
 affirmed that "the uninhabited tract known by the name of the Sundarbans
 has ever been and is hereby declared to be the property of the State,"
 while Regulation IX of 1816 established the office of Commissioner in
 the Sundarbans for the management of the property thereby
 acquired.

248. The provisions of Regulation III of 1828 were very trenchant.
Regulation III of 1828. The boundary of the Sundarban forest was to be
 laid down by accurate survey on the spot and
 could only be impugned by an appeal to a Special Commissioner on the
 single ground that a specific quantity of land included within the boundary
 was in the effective possession of the appellant at the time of the permanent
 settlement. Suits in the civil court for lands within the boundary were to be
 forthwith dismissed.

249. The right of the State had thus been established after long contro-
 versy and the claims of the zamindars overthrown. But the zamindars were
 not easily defeated and they presented themselves in another guise as claimants
 for a preferential right to engagement for the lands immediately adjoining
 their estates. The Board of Revenue advised against the claim on the
 ground that it would be prejudicial to *bona fide*

Long persistence of border
 zamindars in their claim.

colonists and the Government decided in 1828
 that the border zamindar should have no exclusive
 right to settlement, but other things being equal might be allowed a prefer-
 ence as an act of grace. After resumption however few estates, if any, were
 settled with the border zamindars, although many were settled with talukdars
 who were found in possession, having encroached upon the forest by virtue of a

grant from the border zamindars. At the time of resumption no zamindars or talukdars or other squatters took the question into Court, deterred no doubt by the trenchant phraseology of the Act; but they only slept upon their claims, which were revived under the guise of a claim to *maliki* right and to *malikana* in case they refused settlement, when the land revenue of the resumed estates fell due for revision. The Board of Revenue in 1849 and again in 1850 referred the claim to the Deputy Governor, who refused to pronounce on the question of right, but concurred with the Board in approving settlement with the "abadkar" as he conceived 'the just and enlightened principle of the expediency in all ordinary cases of formally recognizing the right of property in the person who may be found in possession of the land . . . to be the principle by which the Government had been guided up to this day.' The case had been misconceived as was usual where matters were complicated by Bākarganj subinfeudation. The claimants were the talukdars, but the persons 'found in possession' and also the real abadkars were in Bākarganj the haoladars and their tenants. The talukdar had obtained a grant from the border zamindar, who had no title to bestow it, and had forthwith divided it amongst osat talukdars in return for a money present and an annual rent and they in their turn had parcelled their shares amongst the haoladars for a similar gratification. The majority of the talukdars and osat talukdars had doubtless never even seen their grants. However the legal question was finally set at rest by the Courts, although the decision came too late to save many of the estates in Bākarganj, where permanent talukdari pattas had been granted in accordance with the Deputy Governor's view. The Sader Dewani Adaulat in the Baroikhali case (23rd March 1857) held that Regulation III of 1828 justified Government in settling its own grantee upon the resumed land and did not bind it to respect the claims of any party to settlement on the plea of previous occupancy or any other plea; and again in the Tushkhali case (20th April 1857) went even farther, holding that a haoladar or an abadkar who derived his title from a zamindar, whose own title ceased with the resumption decree, had no title at all after that decree; and in answer to the plea that clearance of jungle gave a good title in law or at any rate on the ground of public policy or benefit, the Court held that, if no legal title existed, no object however praiseworthy or advantageous could in law supply the deficiency and declined to enter into the question of public benefit or policy.

Claims finally disposed of by the Civil Courts.

These rulings appear to be contrary to the established English doctrine of ameliorating waste, but no doubt they were governed by the express declaration of title in the State in Regulation III of 1828 and by the fact that it was to defeat encroachments and claims of this very nature that the Regulation was passed. The Court was equally uncompromising with the claim that a talukdar who had once been admitted to settlement obtained thereby a right to an offer of engagement at every period of resettlement. In 1863 it was laid down by the High Court (*Debnath Rai v. Government* No. 471 of 1863) that Government was not bound to resettle with the settlement-holder land which had been settled with him on resumption for a term of 20 years; and again in 1867 in *Government v. Tekith Pakhrun Sing* (No. 417 of 1863, Wyman's Reporter, Vol. IV, page 2) that as the defendant in a resumption suit had no legal right to be admitted to a settlement, such settlements are made as a favour and indulgence and the occupant had no legal right subsequently to force himself upon Government as a tenant. Despite these rulings one of the Commissioners in the Sundarbans prattled of *malikana* and *maliki* right in his reports as late as 1870 and introduced the term and the right into many pattas, which he granted on resettlement to talukdars. Most of these cases were revised, but a few escaped and the talukdars of the Rabnabad Islands on the strength of such an escape claimed to be recorded in the record-of-rights with the name and style of proprietors.

250. The survey of the Sundarban boundary ordered by Regulation III of 1828 was made in 1830 in Bākarganj by Mr.

The Dampier-Hodges line of 1830.

William Dampier as Commissioner in the Sundarbans and Lieutenant Alexander Hodges as surveyor. The survey was recorded in a series of *rubākāris* which mention its course and name the villages, estates and streams which lay alongside

it. Rivers usually formed its limit. The proceedings were conducted in the presence of the zamindars and their agents and all other parties interested. The Sundarban boundary then laid down was marked by a line of bamboos and has always been known as "the Dampier-Hodges' line" and has never been disputed. The plans of the survey were drawn on the scale of 4 inches to the mile with another series on the scale of 1 inch to the mile and a map on the scale of 1 inch to 2 miles, the coast line in which was interpolated from Major Rennel's Atlas of 1779. "Hodges' Map" was published by a Mr. Wood in 1831 and was advertised by Messrs. Black & Co.

The land included within the Dampier-Hodges' line consisted of reclamation and forest, as the line was meant to demarcate the boundary of the forest at the time of the Permanent Settlement. In Bākarganj reclamation had proceeded apace since that date and was reported to have been most active in the east, where the Mughls had colonized not only the Rābnābād islands, but Lāluā, Bālīātālī and other portions of the mainland as well.

251. The Dampier-Hodges line was conclusive that all land to the south of it was not included in the Permanent Settlement, but it did not end the attempts of the Sundarbans Commission to resume. Some years later when the continuance of the Commission was threatened on the ground that there was no work left for them to do, they displayed a feverish activity in resumption of land on the north of this line in the hope of justifying their existence.

Failure of later attempts at re- Many of the cases were bad and others in which
sumption. the Government title was indefeasible were lost,
as there was no system in the prosecution of the

cases which in the general disorganization of the office were left to take care of themselves. I believe Chak Raghua, resumed in 1847, is the only successful case in Bākarganj, while the failures were many. The last enquiries were completed in 1867 after the Revenue Survey in 1862-63. The last proposal for a fresh resumption was thrown out in 1866 and the final act in the drama of resumption came when the Privy Council decided the Ailā Phuljhuri appeal in 1870.

252. The assessment of the Sundarban forest which had been secured for

"Resumed Mahals.

Government is a long story in two parts. One part concerns the terms upon which reclamation grants in the forests were made and the other part concerns the methods by which the land, which had been encroached and brought under cultivation previous to resumption, was assessed. Such land was technically known as a "resumed mahal" which the Board of Revenue defined as "a mahal, the lands of which though situated within the boundary of the Sundarbans, and therefore not falling within the operations of the decennial settlement, had been usurped by the zamindars of the decennially settled estates or by squatters, but which have been subsequently resumed in favour of Government under the provisions of the resumption laws" Such usurpations had been very extensive in Bākarganj and authority had been given to Mr. Dampier to assess all resumed mahals immediately after resumption. These assessments were made by him in the years 1830-1834 after extensive and detailed surveys in the areas concerned and were revised and completed by Mr. Grant, his successor, in 1836. The total area of the "resumed mahals" was 162,120 acres, but this included about 20,000 acres of forest, which was partly scattered in the midst of reclamation and partly on its borders.* It was usual to make rivers or streams the boundaries of the mahal and to include within it any forest found within these boundaries.

253. The assessments of Mr. Dampier were carefully and thoroughly

First assessment of "resumed mahals" by Mr. Dampier.

made and were models, which were rarely imitated in after years. In all these estates subinfeudation had been very extensive; at the top was a talukdar, who had got an *ābād-kāri* grant from the zamindars and was often one of the zamindars themselves; below him were the *osat* talukdars, amongst whom he had straightway divided his grant, retaining two or three of the most fertile *osat* taluks in his own possession; below the *osat* talukdars were the *haoladars*,

* South Tiakhali (No 4690) although resumed with 1,066 acres was afterwards amalgamated with the surrounding forest and included in a forest grant under the Rules of 1853. Excluding it the area of the resumed mahals was 161,066 acres.

whom Mr. Dampier found to be the true reclaimers, since they cleared the forest at their own expense and divided the lands when cleared amongst a lower class of men, nim-haoladars, who were at first genuine cultivators, but the improvement in the country and the rise in the value of land enabled them in turn to sublet their lands to *karshas* (ploughmen; who were mere labourers destitute of all rights but had only come into existence in the northern mahals and in Bāliātālī and Dhānkhālī. Mr. Dampier carried his measurements down to the nim-haoladars, but he did not admit them into the rent-roll (*jumabandi*) as he pronounced their rights to be non-heritable (*ghair maurasi*), inasmuch

Classes of tenants existing in the mahals.

as they were unable to transfer their lands and were wholly dependent on the haoladars, who had transferable and heritable rights and were the only substantial and responsible occupants. Mr. Dampier held the haoladars to be "maurasi raiyats" and made them the basis of his *jumabandi*, leaving the rights of all below them to the cognizance of the Civil Courts. This description covers all the "resumed mahals" except Chhota Bāisdiyā and Rāngābālī in the Rabnahad Islands, where the forest had been cut down by the hired labour of Mughls and there were no cultivating raiyats, although there was a well-developed chain of under-tenures of the usual type. The cultivators here hired themselves out and got money wages or half the crop and they seldom cultivated the same land in consecutive years. Mr. Dampier found that the local theory regarding rent in the system of subinfeudation was that each grade was entitled to keep as its profit one quarter of the rent paid by the next lower grade. He accepted the theory and based his assessment upon the rates which he found. These rates differed in different mahals and different parganas. In Chandradwip

Mr. Dampier's method of assessment.

talukdars paid from Re. 1-4 to Re. 1-12, haoladars Rs. 2-8 to Rs. 3 and karshadars Rs. 5 and Rs. 6 a Chandradwip kani of 2-6 acres. In Arangpur haoladars paid Re. 1-2 and karshadars Rs. 2-6 an Arangpur bigha (7 of an acre), while in Syedpur haoladars paid eight and nine annas and talukdars six and seven annas a standard bigha (33 of an acre). The jungle and forest included in the mahal were assessed at the full rate eventually after a rent-free period and a progressive scale, except in the case of blocks of dense unbroken forest which were not assessed. The zamindars were put aside and settlement was concluded in most mahals with the talukdars and in some mahals with the osat talukdars, who had at least in their own estimation accepted the risk and burden of reclamation. They were assessed at their own special rate without deduction. In the technical phraseology of the Revenue Regulations, they thus become the "sadr malguzars." It was only after considerable hesitation and an independent enquiry by the Collector that the Board sanctioned these assessments, as the long chain of under-tenures and the consequent shrinking of the revenue raised doubts of their value in the Board's mind. When sanctioned, they were sanctioned with a warning for the future against the pernicious system of subinfeudation combined with a caution against heedlessly innovating upon established usage. Most of the settlements were made for twenty years in accordance with the views of the Court of Directors, who deprecated permanent settlements, unless as in the case of resumed lakheraj there was a statutory right to settlement in perpetuity. But for this opinion there can be no doubt that the Board of Revenue would have sanctioned these settlements in perpetuity. The arrangements of Mr. Dampier were clearly the only possible alternative to direct management, which was at this time never even considered; if the

Settlement with Sadr malguzar involved recognition of subinfeudation.

talukdars were retained, the long chain of subinfeudation must be retained also, together with the distribution of profit to which the middlemen had become accustomed. It is clear that Mr. Dampier himself did not like the system; even when he stereotyped it. Indeed he proposed legislation to relieve the cultivator from oppression and in his letter* he gives a striking description of the condition of these mahals—

"I have been much struck, whilst employed in this district by the general wretched condition of the lower orders. I was most particularly surprised, as I found the country

* Commissioner in Sundarbuns to Sudder Board, dated 10th September 1832.

itself was most fertile; and producing with but little tillage, all the necessaries in general use by the lower orders, whilst large markets are situated, so as to take off all the surplus produce; and a great trade in grain and betelnut takes place between this district and Calcutta. Their condition could not therefore have arisen from the want of a vent for their produce, nor from the poverty of the soil not giving a sufficient return to their labour.

It appears to me to have its source entirely in the conduct of the zamindars and intermediate landlords.

The property of the zamindars principally consists of a number of under-tenures, the occupiers of which are called talookdars, osat talookdars, neem osat talookdars, howaladars, etc., etc, who pay a fixed annual rental for the land, and have a hereditary tenure in it. In but small and detached portions of the estates do the zamindars collect direct from the cultivators of the soil.

The intermediate tenants, who are frequently persons of considerable property, find that the money which ought to be paid for rent can be applied more profitably by them in cash advances to their ryats at an enormous rate of interest, purchase of grain, or in advances of rice and paddy to the under-cultivators, for food and seed, where the payer receives back at the close of the harvest whatever he advanced with 50 per cent. as interest, and they prefer allowing the zamindars to prosecute under Regulation VII, 1799, or even forcing them to institute a regular suit, before any payments are made on account of their rents. As the Government arrears must be paid, the landholders are forced to borrow and to rack-rent those ryats from whom they collect directly to pay the interest of the debts thus incurred: when by the decree of the Court the talookdars are forced to pay the interest of 12 per cent., and the expenses of the suit of course fall on them. It is not however to be supposed that these are defrayed from the profits of their grain speculations, or the interest of their advances. They afford an excuse to the talookdar to levy fresh cesses from his ryats or to increase the rent of their lands to such an extent as to render subsistence on them almost a matter of impossibility. In every instance it is the ryat who suffers; all the exactions, expenses of litigation, etc, are made to come on him alone in the end; in a great part of the district the transactions between the ryats for purchase of different articles of food at the *hats* are conducted by barter, so great is the scarcity of even the lowest circulating medium; everything but a bare subsistence being taken from them by the landowners of one kind or the other."

254. The total revenue in these early settlements of the "resumed mahals" was Rs. 1,01,400. Their subsequent history is not as uniform as this first assessment. Some were permanently settled by the efforts of Bibu Unakanta Sen, who was the Commissioner in the Sundarbans when the early settlements fell in. These permanent settlements were it

Second assessments of the "resumed mahals." appears irregular, as by law the right to grant permanent settlements was vested in the Governor

General in Council, who had never in such cases delegated it to lesser authority. Three were sold by public auction in 1866 in pursuance of the policy of encouraging Europeans to settle in the Sundarbans. Most of the other estates were at their second assessments settled as before with talukdars, unless they proved recusant owing to the refractory turbulence of their haoladars, when the mahal was given in farm. The recognition of subinfeudation was a *damnosa hereditas* which involved the adoption of the same methods in the second assessment as in the first. The chain of subinfeudation had however grown longer and the *jamabandi* was now carried down to the nim-haoladars and in some cases to osat-nim-haoladars who had in the meantime made good their claim chiefly by payment of *selāmi* to those rights of alienation, subdivision and succession, which had been formerly recognized in the haoladars. In the meantime also there had been inter-polation of nim osats between the osat taluks and the haolas and of osats between the haolas and nim haolas. Obviously the revenue would become less instead of more, if each additional link in the chain of tenures were to be recognized as entitled to its allowance on the approved system. The Board's forest rate of 8 annas a standard *bigha* was brought in to meet the difficulty and applied to haoladars, the rents payable by cultivators were left to be fixed by contract and the talukdars were allowed a deduction, usually of $23\frac{1}{2}$ per cent, on their rent-roll for profit and collection expenses. The term as before was fixed for 20 years.

255. The settlement of most of the resumed estates fell in again in the seventies. Tushkhali however was now a khas mahal, as no person was found willing to undertake the management of that turbulent tenantry. In the other and especially the eastern estates there was great confusion

Third assessment of the "resumed mahals."

in this settlement. There were three classes all bitterly hostile to each other, the talukdars, the haoladars and other intermediate tenure-holders and the cultivators. The assessment was first taken up by a Deputy Collector, who espoused the cause of the cultivators, fixed a reasonable rate of rent for them and fixed a reasonable revenue by reducing the profits of the talukdar and intermediate tenure-holders. They appealed to the Board, who listened to the appeals and cancelled the proceedings. After some delay Mr. Pargiter, who had become the Commissioner in the Sundarbans, was entrusted afresh with the assessment, but in the meantime his hands had been tied by the passing of Act VIII of 1879 which, enacted without any reference to Sundarban conditions, directed that assessment should be based upon the recognized raiyats in each estate. In the face of Mr. Dampiers' proceedings Mr. Pargiter most unwillingly found himself compelled to accept the haoladars as "maurasi raiyats" and to ignore their under tenants. There were appeals and the cultivators in particular prayed for direct management and to be rid of their talukdars. The talukdars however got good terms from the Board of Revenue, while the cultivators were somewhat cynically told that they would find their remedy against exorbitant demands in the civil courts. The revenue of the resumed mahals at the time of the district settlement operations (including Tushkhali and other estates managed direct and all permanent settlements but excluding Tiākhālī) had risen to Rs. 2,54,081 as follows:—

	Number of estates.	Area.	Un- reclaimed forest.	Revenue.	Rental value.
		Acres	Acres.	Rs.	Rs.
Settled with sadr malguzars—					
Permanently at a revenue fixed in perpetuity.	9	17,006	Nil.	26,940	1,31,551
Permanently at a revenue liable to alteration.	29	101,782	23,151	96,663	2,98,922
Temporarily ...	5	13,098	298	17,166	65,065
Settled with occupying tenants	3	25,935	297	1,13,458	1,30,650
Total	46	157,821	23,746	2,54,227	6,26,188

The whole of the forest had at one time been reclaimed, but much had relapsed again into jungle after the storm wave of 1876, which swept the eastern resumptions clean of cattle and inhabitants and which accounts for the considerable amount of forest still found.

256. There can be no question that the condition of the "resumed mahals" had throughout the whole period been disquieting. At the time of resumption they were in an unhealthy condition, the cultivators on the one hand being without rights and oppressed and the talukdar on the other hand being flouted by the tenure-holders. In Tushkhālī the tenure-holders so completely got the upper hand that it was many years before the direct management of Government officers was able to bring it into order and though this was accomplished by the last settlement in 1889, when a record-of-rights was prepared, it was accomplished somewhat at the expense of the cultivators upon whom the

assessment was severe. Elsewhere after a long struggle the talukdar has got the better of his middlemen and has succeeded by force and chicanery in driving out those who brought the

forest down. For the cultivators the change of masters was disastrous. The hāolādārs may have chastised them with whips, but the talukdar chastised them with scorpions. Enhancement, extortion, eviction became their portion; no exaction was too heavy, no punishment too severe, no wrong too gross, no trick too mean: there was no oppression in the district like the oppression in the resumed mahals round Marichboniā, in which the king's writ did not run.

257. The greater part of the land included within the Sundarbans was dense forest at the time of resumption and from the earliest time it has been the object of Government to bring the Bākarganj forest under cultivation.

Forest grants. None of it was ever reserved and, as the land was high and fertile and expensive embankments were unnecessary, the Bākarganj forest offered a favourable field to the colonist. After the failure of Henckell's attempt to deal direct with the cultivator, the accepted policy was to find a capitalist who would undertake the task of reclamation; and eighty years were spent in devising terms which would not only attract the capitalist, but also compel him to reclaim.

258. The first rules on the subject of forest grants were issued by the Board in 1817, but they were very vague, except when they limited the area to be granted to 10,000 *bighas*. Rules of 1817 and 1825. Government approved a form of lease (*pātlā*) on 24th March 1825 with a security bond. The terms of the lease permitted a rent-free period of 7 years for the whole grant and an exemption of one quarter from any revenue in perpetuity. On the remainder the revenue was to be 8 annas nett per *bigha*. Half of the grant was to be cleared within 6 years. In Bākarganj three grants were made under these rules by the Collector to the Mughls which were however soon surrendered.

259. These rules were revised on 25th March 1830. By the new rules the revenue-free period was extended to 20 years, the revenue was fixed at 8 annas a *bigha* from the 24th year in perpetuity, but the grants were to be cancelled if a quarter of the forest was not cleared within 5 years. These rules remained in force until 1853, although repeatedly under discussion. The only changes made during this period were that the grants were made by public sale after 1846 and that where a grant was forfeited for inadequate clearance, the portion cleared was after 1848 settled with the grantee in the ordinary way. Rules of 1830. From the list prepared in 1852 it appears that seven grants were made in Bākarganj, but none had as yet begun to pay revenue. This slow progress was due to the want of an internal survey in the forest in Bākarganj, which although much discussed and even ordered in 1837 and again in 1845 was never carried out. Rough surveys were made from time to time, but they were very inaccurate and the work of one surveyor largely employed in Bākarganj was condemned as untrustworthy. He had indeed measured the area of Jnanpara as 19,800 *bighas*, when it actually contained over a lakh of *bighas*! The Bākarganj forest was never really surveyed until the Revenue survey of 1862-63; but it was nearly covered by Mr. Smith's survey in the east in 1854-55 and Mr. Gomes's survey along the Baleswar in 1852-57.

260. The whole policy in respect of forest grants came under consideration in 1852, when the Board of Revenue submitted an important report, No. 461 of 14th December, in which they reviewed the system of forest grants since their commencement and observed that many of the grants had been abandoned, revenue was to seek and clearances had been less than were anticipated. The failure was due partly to speculation, but chiefly to the eight-anna rate, which they held was really double the rate originally contemplated. They proposed a rate of 4 annas (but in Bākarganj 5 annas) to be reached after 35 years, which should contain a rent-free period of 10 years, and they combined with this proposal recommendations for the limitation of grants to 3,200 acres, exemption of one quarter from any assessment and a clearance condition of one quarter in five years with the penalty of forfeiture. They further proposed that the old grants should be admitted to the new terms, but not the "resumed mahals" whose circumstances were entirely different. The Government communicated these proposals at the desire of the grantees to two of their number, who objected to the limitation in size as futile, to the proposed rates as excessive, to the clearance clause as needlessly severe and to the higher rate in Bākarganj as objectionable, because of the distance of the markets. The Government accepted the Board's review of the position and the grantees' view of the proper terms. The paramount object of Government, it declared, had been the reclamation of the Sundarbans, a

Slow progress leads to exhaustive consideration of forest grant rules in 1852.

pestilential tract near Calcutta, which afforded a home for wild animals and a shelter for smugglers and pirates. The improvement of the revenue was altogether of subordinate importance. The terms offered should be such as would attract acceptance and there would be no security bond, no limitation in size and no higher assessment in Bākarganj. In the case of more than two applicants for the same grant, it should be knocked down to the highest bidder at a public sale publicly advertised. The terms of the existing grants could be commuted into these terms dating from the commencement of their existing leases, provided that all lands already brought under assessment should bear the full assessment of 2 annas a *bigha* forthwith. If grants were forfeited for inadequate clearance, the lands under cultivation should be settled with the cultivators. "Resumed mahals" were not however to have the benefit of these rules.

261. In Bākarganj all the existing grants were commuted into grants under these rules and 25 new grants were immediately made, as there was great competition.* Only the paltry sum of Rs. 16,695 was realised by the sales. Practically the whole of the Bākarganj forest was leased under these rules. The exact terms are therefore of some importance. They were published in the *Calcutta Gazette* of the 8th October 1853 at page 1385 and are known as the "Forest Grant Rules of 1853." Briefly the terms were as follows:—

One-fourth of the whole grant to be forever exempt from assessment.

The remaining three-fourths to be rent-free for 20 years, to pay half-an-anna per bigha from the 21st year, one anna from the 31st, one anna and-a-half from the 41st and two annas from the 51st year.

After the 99th year the grant to be re-assessed at a moderate assessment, but the proprietary right and the right of engagement to remain with the grantee.

One-eighth to be cleared and rendered fit for cultivation at the end of the 5th year, one-fourth at the end of the 10th year, one-half at the end of the 20th, and three-fourths at the end of the 30th year. On failure of any one of these four conditions, the grantee to forfeit all right and interest in the lands.

It is understood that the rules of 1853 bear the impress of the views of Lord Dalhousie.

262. Of the 32 grants made in Bākarganj only 21 survive, of which 7 were grants under the old rules which had been commuted. Many of the grantees were European capitalists who found Bākarganj too distant a field for their attention, while the Bengali capitalists soon exhausted their capital. Some of the forest grants were thrown up and some were forfeited by failure to fulfil the clearance conditions. Of those which survived, a few escaped any inspection of the amount of clearance and others obtained a false certificate that the clearance conditions had been fulfilled. At the district survey fifty years after the grants were made, none of the surviving grants had cleared and rendered fit for cultivation the three-fourths which the terms provided; but that survey gave such a fillip to reclamation that some succeeded before the survey was concluded. In many of the grants for which the grantee had obtained a false certificate of clearance not even one-half has been cleared at the present day. The sole object of the rules was to reclaim the Sundarbans and, judged by these results, they can only be pronounced a failure.

263. Short of granting jaigirs, the terms of 1853 were the most generous possible. Government were prepared even to grant jaigirs to induce capitalists to turn their attention to the Sundarbans. In April 1862 the issue of further grants under the rules of 1853 was stopped and the new policy of revenue-free grants was brought into force. The policy was originally mooted by the Government of India in 1858 after the Mutiny with the object of promoting the settlement of Europeans in India. As regards the Sundarbans there were

two proposals, the sale of waste-lands in perpetuity
 Fee-simple and redemption discharged from all prospective demand on account
 rules of 1863. of land revenue and the redemption of land

* One of these (Tauzi No. 4582) was not regularly made and is really a terminable *ijara* for 99 years. It is significant that although the Governor-General in Council directed that "resumed mahals" were not to have the benefit of these rules, 99-years grants were actually made in respect of 9 "resumed mahals," in 6 of which the entire area had already been reclaimed and in the other 4 of which reclamation was already considerable.

revenue in all existing revenue-paying estates by the payment of its capitalized value. The rules as finally amended were published in the *Calcutta Gazette* under notification No. 314, dated the 13th of October 1863. The rules limited fee-simple sales of waste lands to an area of 3,000 acres and prescribed sale at public auction with an upset price of Rs. 2-8 an acre, payment of which might be spread over 10 years. Redemptions could be made in respect of any existing grant at 20 times the amount of the highest future annual payment in the existing stipulations subject to a minimum of Rs. 2-8 per acre. The payment could be spread over 10 years.

264. Little advantage was taken of these proposals. Only two fee-simple grants were made in Bākarganj* and there were no applications for redemption. Probably the grantees under the 99-years rules considered their existing terms more attractive than a lump payment of a large amount. In the course of time the offer died a natural death, although it was only formally withdrawn in 1879; but in its formulation it had already killed the rules of 1853.

265. For some time no further action was taken in the matter of Sundarban grants, chiefly because with the advent of Lieutenant-Governors from other Provinces the whole of the land-revenue policy of the Bengal Government in temporarily-settled areas came under exhaustive consideration, but also because in 1876 a tidal wave created great havoc in the Sundarbans, drowned many of the cultivators, threw a considerable amount of newly-reclaimed land out of cultivation and led to the sale of several grants for arrears of revenue. In 1879 the fruit of the consideration of land-revenue policy came in a new set of rules. There were the usual rules for large capitalists, but there was also a tentative experiment in the direction of closer settlement. The rules were approved by the Governor-General in Council and published in a notification dated 12th November 1879.

In the large capitalist grants the policy of granting huge areas for a peppercorn rent was given up. The grant could not exceed 5,000 *bighas*, one-eighth must be cleared in five years on penalty of forfeiture, the revenue-free period was reduced to 10 years and the maximum revenue was reached in the 21st year and was from 6 to 12 annas a standard *bigha*. One-fourth of the grant was as usual exempt from revenue. The lease was for 40 years and the grantee was entitled to re-engagement at an increased assessment thereafter. In Bākarganj eight leases have been granted under these terms, and the grants in Naltona have been on the whole successful.

At the same time and in the same notification leases to small capitalists of less than 200 *bighas* in extent were offered in specified portions of the forests in Dhaluā, Bargunā, Karāibāriā, Kālāmeghā, Chhota Nisānbāriā, Abuganj and Mithaganj. They were intended for cultivators. The land was to be held rent-free for 2 years and the portion brought under cultivation was

then to be assessed at the ordinary raiyati rate of the neighbourhood. The cultivator obtained a heritable and transferable lease for 30 years with promise of renewal at a revised assessment and he had the right of reclaiming any unoccupied land contiguous to his lease. There were great irregularities in the issue of such leases in Bākarganj. Few cultivators obtained them, as most were granted to middlemen under the designation of *hāolās*. A very large number exceeded the limit of 200 *bighas* and some enormously exceeded it, while *benami* grants were frequent so that a single grantee in fact obtained two or more grants. Despite this, these small *haoladari* grants were not unsuccessful. A large area was brought under cultivation in a short time and the revenue obtained was very considerable.

266. It will be observed how much more lenient the terms for the large capitalist are than those for the small cultivator. The contrast is the more curious that the terms were published on the same day. Where the cultivator could hold for two years rent-free, the large capitalist could hold for

* One of these was Nali-Saplenza which measured over 11,000 acres despite the limit of 3,000 acres prescribed in the rules.

ten; where the cultivator paid the raiyati-rate of the neighbourhood, the large capitalist paid a-half or a-third of that rate; where the cultivator reached the maximum rent in the third year, the large capitalist reached it in the twenty-first year; where the cultivator's assessment was revisable at the end of 30 years, the large capitalist's assessment was revisable at the end of 40 years. Yet this solicitude for the interests of the large capitalist was not justified by a comparison of results. At the time of the district survey, it was found that in every 100 acres the large capitalist had cleared 55 acres, where the small capitalist had cleared 86 acres, while the large capitalists were paying a total revenue of Rs. 8,215 on 11,528 acres, when the small capitalists had been for years paying a total revenue of Rs. 67,106 on 23,614 acres.

267. No further rules were issued on the subject of forest grants before the district survey began. The following table shows the condition of the various grants still subsisting at the time of the district survey :—

NATURE OF GRANT.	Number.	Area.	Amount un-reclaimed.	Revenue.	Assets of grantees.	Rental value.
		Acres.	Acres.	Rs.	Rs.	Rs.
Grants under the rules of 1853.	21	114,514	27,696	40,972	1,51,605	5,68,661
Fee-simple grants ...	2	11,163	Nil	Nil	32,638	67,361
Grants to large capitalists under the rules of 1879.	8	11,528	5,899	8,215	35,350	64,519
Grants to small capitalists under the rules of 1879.	383	23,614	3,415	67,106	...	84,933
Miscellaneous :—						
Permanently-settled ...	1	677	Nil	817	2,000	3,763
Farmed ...	1	135	Nil	563	683	694
Settled with hacldars	4	8,698	423	27,817	39,381	42,289
Settled with cultivators	...	4,533	200	7,780	...	7,786
TOTAL ...	...	174,862	37,633	1,53,270	...	8,40,000

268. This sketch of revenue policy in the Sundarbans has necessarily been brief. It is a long story of failure at once in the assesment of " resumed mahals " and in the reclamation of forests. In both cases the failure was primarily due to the worship of the fetish of the *sadr malguzar*. The simplicity which the Permanent Settlement gave to the administration of revenue in the lands which it covered secured adherence for the principle of vesting an absolute right of property in great landlords in the lands which it did not cover. Direct relations with the cultivator were eschewed as a principle by the Board of Revenue as appears again and again in their correspondence. At all costs a person of substance must be found to take over the business of management and to assume responsibility for the revenue. Perpetual settlements were the ultimate goal, but in the meantime the toil and trouble of temporary settlements could be reduced by long terms and large estates. As late as 1873 the Board of Revenue in a review of revenue administration in Bengal could write of estates under temporary settlement as " requiring at the hands of the officers of Government a kind of attention and supervision which belong to a more backward stage of revenue administration than now obtains in Bengal " and could announce, " if the Sundarbans are to be generally reclaimed, it must be done by large capitalists and not by petty settlers." Settlement with a *sadr malguzar* involved a serious loss of revenue in both " resumed mahals "

Failure in Sundarbans due to employment of capitalists.

and forest grant; but this was the least of its evils. The cultivators in the Sundarbans were the most miserable of all the cultivators in the district. Omission from the settlement *jamāban-jis* left them at the mercy of their landlords, while the *jimbā* refuge, so effective in other parts as a check upon oppression, was made impossible for them by the maps and records of the settlement officer. In the " resumed mahals " the *sadr malguzar* was

introduced everywhere in the beginning and, once introduced, he could not be got rid of. In the forest grants there was ample opportunity to repair the error. Here revenue was sacrificed of design and the cultivators were left of design to take care of themselves. Reclamation was the supreme consideration, yet the *sadr malguzar* proved miserably unable to reclaim. It is no doubt easy to be wise after the event; but no one with any real knowledge of the Bākarganj Sundarbans and the methods of the capitalists could at any time have predicted any other result. Of all the capitalists tried in Bākarganj, only two made their residence within their grants and in those two grants alone was reclamation rapidly and successfully accomplished. Residence was not an express condition at any time of obtaining a grant; yet it must be clear that reclamation requires continuous attention which an absentee cannot possibly give. As a matter of fact had residence been made a condition, no grants would have been taken up. The capitalists were indeed only capitalists in name. The terms were baited in 1853 and in 1863 as well as previously so as to attract Europeans, whereas the conditions in the Bākarganj Sundarbans were such that no European would ever consent permanently to live there. Apart from the climate, it was a week's journey from civilization and it was so marshy and so intersected by streams that the amenities, which alone would have made life tolerable to Europeans of the class required, were impossible. The Bengali capitalists had rarely any capital and, if they had, they had better means of employing it than in a venture in which the return was delayed ten years. With two exceptions they sublet their grants and washed their hands of the business. There was never a dearth of colonists, but always a dearth of capital. Yet the capital required was small, sufficient only to build low embankments for the smaller streams, to dig tanks, to supply fresh water and to support colonists over the four first years before the forest was down. Had cultivators been introduced from the beginning under a State-aided system of colonization, there can be no doubt that the whole of the forest would long ago have been reclaimed and incidentally the revenue would have been eight times greater than it is to-day, twelve lakhs of rupees instead of a lakh and a half. It was not however until 1879 that the error was suspected and cultivators tentatively introduced and it was not until 1909 that the error was acknowledged and a State-aided colonization by cultivators directed in all of the forests which remained unleased. There can be no doubt however that the error would have been acknowledged much earlier, had not the forests in Bākarganj been united with the forests of Khulnā and the 24-Parganas under a common management. The common office was located near Calcutta, where speculators were numerous and the affairs of Khulnā and the 24-Parganas monopolized attention. The Commissioner in the Sundarbans always neglected Bākarganj, whose forest was not even surveyed for twenty years, and he had done well if he spent a few weeks in the district on a hurried tour in the cold weather. The office itself was only once held after 1845 by a member of the senior service and its existence was continuously threatened. Orders were repeatedly disobeyed, corruption was everywhere, disorganization was complete. Above all ignorance of Bākarganj conditions was abysmal and as a result terms and conditions which may have been suitable to Khulnā and the 24-Parganas were forced upon Bākarganj, where they were not suitable at all. The most conspicuous examples of this are in the long rent-free period and in the long time allowed for clearance. There can be no question that the most successful reclamation in Bākarganj is done without any rent-free period and with a short respite of four or five years for clearance and with the penalty of forfeiture rigidly enforced for default. On these terms the grant of Nali Saplejā was cleared in four years, the tenants all the time paying a rent which was double the highest eventual rate which Government had at any time fixed for forest grants; nor is this the only instance, as in Naltonā like methods have obtained a considerable measure of success. The Sundarbans Commission was abolished in 1904 and

Recent changes of policy. the Bākarganj forests came under the control of the Bākarganj Collector. He lost no time in proposing a scheme for colonization by cultivators. A colonization officer was appointed in 1907 and leases approved in 1909. It is too early yet to pronounce on its success, but colonists at least have been plentiful and reclamation very extensive.

SUMMARY.

239. It will be convenient to summarize the results of the revenue administration of the area which was not included in the Permanent Settlement or, if included, has forfeited its fiscal immunity. The area which comes under review amounts to 1,550 square miles, of which 1,040 square miles were in existence at the time of the Permanent Settlement and 510 square miles were subsequent alluvial formations. Of the area in existence at the time of the Permanent Settlement, 633 square miles were not included in it and 407 square miles were included, but were subsequently purchased by Government in sales for arrears of revenue. The total revenue with which this area was assessed at the beginning of the present operations was Rs. 11,06,703 and at their close after the partial revision which is described in Part III, Chapter II, Rs. 14,29,790 exclusive of wood-cutting fees and grazing dues.

Of the total area 37 square miles paid no revenue, being admitted or concealed *lakheraj* and revenue-free grants of waste land, while 505 square miles had been resettled in perpetuity at a revenue of Rs. 4,03,829. The remainder or 1,008 square miles was under temporary settlement and bore a revenue of Rs. 7,02,873 before the partial revision which was made in connection with the settlement operations. In the purchased estates the revenue was Rs. 3,15,520 (of which Rs. 2,79,784 was settled in perpetuity) as compared with a revenue of Rs. 2,20,354 at the time of the Permanent Settlement. In the Sundarbans and in alluvial formations the revenue was made up as follows:—

	TOTAL.	SETTLED IN PERPETUITY.		Rate per acre.	SETTLED TEMPORARILY.		Rate per acre.	Area unleased (acres).
		Area (acres).	Revenue.		Area (acres).	Revenue.		
	Rs.		Rs.	R. A.		Rs.	R. A.	
Sundarbans ...	4,07,497	28,946	27,767	0 15	303,737	3,79,740	1 4	60,000
Alluvial formations ...	3,80,784	46,962	73,627	1 9	216,000	3,07,267	1 7	63,000

The total amount of forest still unreclaimed in the Sundarbans was 230 square miles, or 38 per cent. of the entire area.

270. In the estates of which the revenue was resettled again in perpetuity, the profits of the proprietors were $4\frac{1}{2}$ lakhs of rupees and the rental value 19 lakhs of rupees, or five times the revenue obtained, and in the temporarily-settled area the rental value was nearly 22 lakhs of rupees, or three times the revenue. While such enormous profits were secured to the middlemen in these estates, the cultivators were generally paying rent at a rate considerably higher than that at which cultivators were paying in the land included in the Permanent Settlement; thus in the Sundarban resumed mahals the average rate of rent was nearly double and in the Buzrugumedpur taluks one-third more than the average of the district, while in the Sāhābāzpur accretions permanently settled it was one quarter more than the average rate in the Sāhābāzpur island. This cannot be explained or excused by the higher rate of revenue, seeing that in the resumed mahals permanently settled the revenue was only twelve annas an acre when the cultivators paid seven rupees and that in the Buzrugumedpur taluks the rate paid by cultivators was four times and in the Sāhābāzpur accretions three times the rate of revenue; specific instances are still more illuminating, thus in fifteen 99-year leases in the Sundarbans, of which the revenue was less than five annas per acre and

Unfavourable position of cultivators.

therefore much less than the rate of revenue of the Permanent Settlement, 34,000 acres were held by cultivators at a rental of Rs. 2,20,000, or a rate nearly 50 per cent. higher than the rate paid by cultivators in the rest of the district, while in Chāorā the middlemen had forced rents up to eight

rupees an acre despite the efforts of the revenue authorities in the last settlement to restrict them to five rupees. The real reason for these high rentals is to be found in the fact that while the settlement authorities ordinarily left tenants to the mercy of their landlords, they gave so secure a title to the lessees and their middlemen by their maps and *jamabandis* that the cultivators were unable to resort to *jimbā*, the means which enabled the raiyats in the rest of the district to keep rents at a reasonable level. There are estates without middlemen in the temporarily settled area, in which rents are invariably low and their tenants supply a refreshing contrast in material well-being to the tenants of middlemen in neighbouring estates. In other respects than rent the tenants of middlemen are no better treated than the tenants in the permanently settled part of the district. Even in Government estates the middlemen take *abwab*, which in Sāhābāzpur are never less than two annas and in Patuākhālī very often eight annas in every rupee of rent. They are universally higher in estates which are under a *sadar mālguzār*, although small middlemen who are sufficiently powerful do not scruple to make heavy exactions. Another abuse which flourishes in the Sundarbans under the rule of the *sadar mālguzār* is arbitrary eviction, which occurs in every estate, but has sometimes been effected on a comprehensive scale. Rent receipts are very generally withheld by middlemen throughout the whole area.

271. It is impossible to avoid the conclusion that the revenue administration of the area which escaped the Permanent Settlement has been a failure. Revenue has been sacrificed at the altar of immediate administrative relief, when in the issue the burden of administration has been and will be greatly increased, or at the shrine of rapid reclamation, when in the issue reclamation could have been attained more rapidly and more completely by other means. In indirect results the policy has proved equally disastrous, as the cult of the middleman involved an attitude of *laissez faire* in regard to the relations between him and his tenants, to which must be ascribed on the one hand the extortions which jeopardise the well-being of the cultivators and on the other hand the disregard of the law which increases the burden of administration,

Failure of the revenue policy pursued. while as a minor evil the cult of perpetual settlement and *sadar mālguzār* has proved a poison whereby the subordinate revenue staff has been demoralised,

when at a mere nod from them fortunes could be made and incomes secured for ever. For the future at all events it may be hoped that the policy of neglect is dead, whether it be displayed in permanent settlements, the introduction of a *sadar mālguzār*, the recognition of middlemen or in the failure to secure fair terms for the cultivator. What has been done in the past can only be effectively undone by expropriation, a drastic remedy which might prove less costly and less difficult than could be expected, as many middlemen would doubtless go willingly enough on receipt of ten times their annual profits. If expropriation be impracticable, it will only be possible to mitigate the evil consequences of what has been done. In this direction however little will be achieved without the organisation of a special staff for the maintenance of the record-of-rights, who will be able to obtain contemporary and correct information of all breaches of the law of landlord and tenant and who will be incapable by virtue of character and emoluments of colluding with the middlemen and *mālguzārs*. With the aid of such an organisation it might be possible to induce or compel the middleman to keep within the law. It would be idle however to blink the fact that the struggle with the middleman will be long and arduous and its issue doubtful, whereas in expropriation there is a remedy which cannot fail, which would automatically ease the burden of administration and which the cultivators themselves passionately desire.

PART III.

The present settlement.

CHAPTER I.

GENERAL HISTORY OF THE PRESENT SETTLEMENT.

Inception.

272 THE occasion, although not the cause, of the preparation of a record of-rights in the district of Bākarganj was an application made by Raja Sir Sourindra Mohan Tagore, Kt., C.I.E., under section 101 (2) (a) of the Bengal Tenancy Act, 1885, for a survey and a record-of-rights of a recently purchased property, which comprised almost the whole of two estates bearing Nos. 1721 and 1722 on the Bākarganj revenue roll and forming part of the ancient zamindari of Chandradwip. The Raja's application* was entertained, but a more detailed examination disclosed † that the greater part of the lands of the estates did not belong exclusively to the Raja, but was held jointly with proprietors of other estates, while the lands were in any case scattered in parcels all over the district and rarely so situated that entire villages belonged to the Raja. The circumstances of the Raja's estates were fatal to the application. The demarcation of his lands would have been almost impossible and the cost would have been prohibitive. The proposal developed gradually, first into a suggestion that only such villages as were chiefly owned by the Raja should be taken up, which was condemned because a mere handful were found to be so owned, and then into a proposal that the whole of the pargana of Chandradwip wherein the Raja's property was situated should be taken up, or in the alternative the whole of the district of Bākarganj, a course which had been recommended by the Collector, Mr. Beatson-Bell, and the Commissioner, Sir (then Mr.) Lancelot Hare.‡ Mr. Beatson-Bell had indeed strongly urged § the survey and settlement of the whole district in 1896 at the time when the frequency of murders had compelled those public discussions of a remedy which finally led to the disarmament of the district.

273. In the present case further letters by the Collector|| and the Commissioner (Mr. Savage)¶ based their support of a survey and record-of-rights of at least the whole pargana chiefly on the murderous temper of the people and the unrest in the district arising out of the utter confusion into which landed interests had fallen. Within the previous three years there had been 30 murders and 27 serious riots in the pargana, which comprised an area of little more than 400 square miles. As Mr. Beatson-Bell remarked, "For the three years in question there were more murders in this pargana alone than in many entire districts. An average of nearly one murder per month makes out a strong case for special treatment."

274. The Director of Land Records** was strongly in favour of preparing a record-of-rights for the whole district, as he understood that "Government would not be disinclined to entertain such a proposal and that the Government of India

* No. 1129 A. of 19th December 1898, from Board of Revenue to Government of Bengal.

† No. 698 S., of 4th April 1898, from Director of Land Records to Board of Revenue.

‡ *Ibid.*, paragraphs 6 and 8.

§ No. 1570 J. of 6th August 1896, from the District Magistrate of Bākarganj to the Commissioner of the Dacca Division.

|| No. 191 S. of 19th August 1898, from the Collector of Bākarganj to the Commissioner of Dacca.

¶ No. 2 C., of 17th September 1898, from the Commissioner of Dacca to the Director of Land Records.

** No. 1941 S. of 10th November 1898, from the Director of Land Records to the Board of Revenue.

would readily consent to it, could funds be provided to carry it out." He continued :—

It is scarcely open to argument that there is not another district in Bengal in which disputes as to land are so frequent and so violent or in which there is so much criminal litigation arising from such disputes as in Bākarganj; and I believe that this, the only remedy for such troubles, would have been resorted to some years since, had it not been impossible for Government to undertake further settlement operations while those in Chittagong and Orissa were still in progress and while the success of the Bihar operations was still in doubt. These difficulties are now at an end, the Chittagong settlement having been concluded, the operations in Orissa being timed to close before these proceedings can be initiated and the success of the survey and settlement operations in North Bihar having been already assured.

Moreover the advantages of dealing with compact areas are not only those of convenience, but greatly affect also the financial aspect of the operations. There can be little doubt that the Government of India will be prepared in accordance with precedent to relieve this Government of the whole of the cost of the traverse operations, if compact blocks, such as thanas, are dealt with, whereas that Government might object to pay more than a share towards this cost were the operations to be confined to a scattered pargana, and the balance of the cost can be systematically recovered from the landlords and tenants as is being done with efficiency in North Bihar.

He concluded :—

"I would ask the favour of the Board's support for this proposal to adopt the only remedy available for the agrarian troubles of the most turbulent of the districts of Eastern Bengal. Ample evidence has recently accumulated in the course of the proceedings in Bihar and Orissa and in the petty settlements recently concluded in Midnapore, Khulna, Burdwan and 24-Parganas of the efficacy of such operations in removing the causes of such troubles and in pacifying tracts which suffer under them. In the present case we have one of the most important landholders of the district asking for our co-operation to enable him to discover the lands to which he is entitled and we have others ready to welcome our intervention for similar reasons; while we have at the same time a continuous record of crime and violence, almost wholly due to doubts and disputes as to rights in lands, a record which has been serious enough to force Government to disarm the district. And as I have pointed out above, we have now at hand officers trained in land settlement operations and free to carry them out, and are in a position, with the help of experience recently gained in all parts of Bengal, to conduct these operations with greater economy and efficiency than we have hitherto been able to achieve.

275. The Board of Revenue* accordingly dismissed the lesser proposals as impracticable and 'cordially supported' the proposal for a survey and a record-of-rights of the whole district. The Local Government† were even more emphatic:—

The legal difficulties in the way of acceding to Sir Sourindra Mohan Tagore's request and the extreme costliness of partial operations in a district in which such a complicated system of land tenure obtains, are strong reasons against any half measures: but the strongest argument for a settlement of the whole district, and the one which the Lieutenant-Governor himself regards as decisive, is the administrative necessity of adjusting and closing the causes of quarrel, which keep it in constant ferment. The disregard of human life displayed by the people of Bākarganj in their land disputes has long been notorious, and so serious a complexion did matters assume that Sir Alexander Mackenzie, as the Government of India are aware, was forced to disarm the district in September 1896. Since then gunshot murders have almost entirely ceased; but though the number of murders has decreased the same fierce quarrels constantly arise out of questions involving claims to land; and the decrease in murders has been accompanied by no appreciable decrease in rioting. The Collector of Bākarganj has cited but a few typical cases, and the information before the Lieutenant-Governor is sufficient to convince him that the only possible means of pacifying the district is to go to the root of the evil and by giving landlord, tenure-holder and raiyat a record of his rights to remove the *causa causans* of the lawlessness and turbulence that are now rife.

Of the five projects proposed the Lieutenant-Governor considers the settlement of Bākarganj to be incomparably the most important and urgent.

276. The Government of India supported the proposal of the Local Government in a despatch‡ in which they remarked :—

We have now the honour to forward a letter from the Bengal Government in which it is proposed to extend the cadastral survey to those parts of the districts of Monghyr and Bhagalpur which lie north of the Ganges and to the entire district of Bākarganj.

* No. 1129 A. of 19th December 1898, from the Board of Revenue to the Government of Bengal.

† No. 287 of 21st January 1899, from the Government of Bengal to the Government of India (paragraphs 7 and 8).

‡ Despatch No. 38 of 10th May 1899, from the Government of India to the Secretary of State (paragraphs 2 and 5).

The case of Bākarganj, as has been previously stated, stands on a different footing. The raiyats do not require the same protection from arbitrary and powerful landlords as the raiyats in Monghyr and Bhagalpur or North Bihar. They are well-off and are amply able to assert their rights. But the tenures are excessively intricate, the people are turbulent, and disputes about land, terminating frequently in murder, are of constant occurrence. A survey, if introduced, would be undertaken mainly from political and administrative considerations. We are agreed that on these grounds a good case exists for its introduction, and that it should be carried out. The cost is put at 20 lakhs, and the Bengal Government ask that the State contribution should in this case also be one-fourth. With this however we are not able to agree. We consider that all the circumstances differ so materially from those present to our minds and to the mind of Sir Henry Fowler in connection with the proposed surveys of North Bihar that the decision in the latter case is not really applicable to a survey proposed to be undertaken in a rich district like Bākarganj for the express purpose of checking the criminal propensities of its inhabitants. It is indeed almost a question whether the public treasury ought to make any contribution towards the cost of this survey other than the actual value of the preliminary traverse, which can be utilized by the Government of India for topographical purposes; and we observe that the Board of Revenue recommend that the State should pay only the cost of traverse survey. But as the Lieutenant-Governor of Bengal considers that something more than this amount of aid should be given, we are willing to fix it at one-eighth of the total cost. In the one-eighth will be included the charge falling on the State for the traverse. This may be roughly estimated at Rs. 40 per square mile. If the total cost amounts to Rs. 640 the square mile, the State contribution of one-eighth will be Rs. 80, one-half of which will represent the actual value of the traverse.

The Government of India meanwhile provisionally approved of* the starting of operations in Bākarganj.

Sanctioning despatch of the Secretary of State.

77. The Secretary of State's despatch† is reproduced in full:—

"I have considered in Council Your Excellency's letter No. 33 (Land Revenue), dated the 18th May 1899, with the enclosed papers concerning the proposal for extending the cadastral survey operations to North Bhagalpur, North Monghyr and the district of Bākarganj.

2. I gather that both your Government and the Local Government are satisfied that the survey operations in Bihar have bestowed substantial benefits on the classes connected with the land, more specially upon the raiyats, and that the adverse predictions regarding these operations have not been fulfilled. You consider that North Bhagalpur and North Monghyr closely resemble the districts of North Bihar in respect to density of population, to tenure, and to strife between landlords and tenants; and you think that the survey will confer valuable benefits on these tracts. Bākarganj, on the other hand, as a district where the raiyats are exceptionally prosperous and able to assert their rights; where agrarian strife has for many years been keen and has given rise to murders, affrays and riots, and where properties are much confused and intermingled. It is anticipated that a cadastral survey and record may be the means of restoring peace to the agricultural classes in Bākarganj.

3. It appears that the majority of the landholders in Bhagalpur and Monghyr, so far as they have been consulted, are against the proposed survey. But the local Government considers that, after the experience of North Bihar, their opposition may properly be overruled. Two large landholders in Bākarganj have applied for a survey and record-of-rights of their estates; but I do not find in the papers any further expression of the views of the Bākarganj landed classes on the subject.

4. The cost of the operations is estimated at Rs. 13,70,000 in the Bhagalpur Division and at Rs. 19,20,000 in Bākarganj. The work will be nearly twice as expensive per acre in Bākarganj as in North Bihar, owing to the character of the country and the intricacy of the tenures. It is estimated that the business will be completed within seven years.

5. In all the circumstances I am prepared to confirm the orders contained in your Secretary's letter of the 12th May 1899, so far as regards the extension of the survey and record-of-rights to the three tracts under discussion. But I agree in the view held by my

two predecessors that the public treasury should bear not less than one-fourth of the whole cost of these operations in Bengal. I do not consider that the circumstances of

Bākarganj, where the work will be exceptionally costly, are such as to justify any reduction in the proportion to be borne by the Government in the total expenditure. And I confirm your orders, subject to the proviso that one-fourth of the expenditure in all three tracts will be borne by the Government."

278. On receipt of the despatch, the Government of India's ardour somewhat cooled and the proposed operations were postponed for a year: "With reference to the question of the State contribution towards the cost of operations in Bākarganj, I am to say that a further representation on the matter has been made to the Secretary of State and that pending receipt of his Lordship's reply, the survey of that district should not be

Protest in respect of the State contribution by the Government of India.

* No. 1171—69-3 of 29th May 1898, from the Government of India to the Government of Bengal.

† Despatch No. 140 (Revenue) of 29th June 1899, from the Secretary of State to the Government of India.

undertaken.”* This further representation† referred to the reasons which had governed the decision to bear a large proportion of the cost of similar operations in Benares and North Bihar and urged that they were inapplicable in the case of Bākarganj. In place of a poor soil, a high assessment, general poverty amongst the raiyats and frequent famines, there were in Bākarganj a fertile soil highly cultivated, a low assessment, general prosperity amongst the raiyats and no likelihood of famine. “There is no poverty among the tenantry of the district, who waste their time and money in turbulence, lawlessness and litigation.” The Secretary of State‡ was not convinced. “I attach great weight to the decided opinion of Your Excellency’s Government on this important matter. But I find that two of my predecessors have in past years ruled that Government should bear one-fourth of the cost of cadastral surveys in Bengal; and one of my predecessors recognized that the decision then taken would guide the allocation of charges in future cadastral surveys of other permanently-settled tracts. I adhered to the previous decision, because I consider that the general treasury ought to bear a substantial share in the cost

Decision of the Secretary of State.

of operations, such as are under consideration, for securing the peace and well-being of the peasantry and landholders. The costliness of the Bākarganj survey appears to be a reason for the Government’s bearing the full ordinary share of the cost. . . . On a review of all the facts, I am unable to modify the decision that the Government should bear one-fourth of the cost of cadastral survey in Bākarganj. And I believe that the fact of Government continuing to bear a substantial share of the cost will have effect in disarming opposition to a measure, which at the outset does not meet the general approval of classes connected with the land.”

The correspondence on this subsidiary matter delayed the inception of the operations for a year, so that a start was actually made only in the cold weather of 1900-01.

Notifications.

279. The district was notified for survey and settlement under section 101 (1) of the Bengal Tenancy Act not as a whole, but part by part, as the appointed time for beginning the work in each part drew near. In addition separate notifications were made under section 101 (2) (d) of the Bengal Tenancy Act of all estates in which a resettlement of the land revenue was proposed.

A list of these notifications and of other important notifications relating to the proceedings is printed in Appendix A.

The first notification published for the area of the first season was dated 2nd October 1900; and the Settlement Officer was appointed in a notification of the same date.

All the notifications were in the same form. The particulars which the record-of-rights should contain were specified as follows :—

- (a) The name of each tenant or occupant.
- (b) The class to which each tenant belongs, that is to say, whether he is a tenure-holder, raiyat holding at fixed rates, settled raiyat, occupancy raiyat, non-occupancy raiyat or under-raiyat; and if he is a tenure-holder, whether he is a permanent tenure-holder or not, and whether his rent is liable to enhancement during the continuance of his tenure.
- (c) The situation, quantity and one or more of the boundaries of the land held by each tenant or occupier.
- (d) The name of each tenant’s landlord.
- (e) The rent payable at the time the record-of-rights is being prepared.
- (f) The mode in which that rent has been fixed, whether by contract, by order of a Court, or otherwise.
- (g) If the rent is a gradually increasing rent, the time at which and the steps by which it increases.
- (h) The special conditions and incidents, if any, of the tenancy.

* No. 1795—69-6 of 9th August 1899, from the Government of India to the Government of Bengal.

† No. 51, dated 10th August 1899, from the Government of India to the Secretary of State.

‡ Despatch No. 230 (Revenue), dated 26th October 1899, from the Secretary of State to the Government of India.

- (i) The name of each proprietor, including rent-free owner, with the character and extent of his interest and the situation, quantity and boundaries of the proprietor's private lands, as defined in Chapter XI of the Act.
- (j) If the land is claimed to be held rent-free, whether or not rent is actually paid, or, if not paid, whether or not the occupant is entitled to hold the land without payment of rent, and if so entitled, under what authority.

The area under the operations.

280. The whole district was not included in these notifications. A survey and a record-of-rights had already been made under the Bengal Tenancy Act in respect of many Government estates and of certain private estates and it was unnecessary to take up these areas again. In addition the Schillerganj estate in the Sundarbans was also excluded from the operations, as the proprietors had made a private survey and record-of-rights which, on examination, was found to be substantially accurate; and the Lieutenant-Governor thought it "desirable that Government should recognize a right system of management and the existence of amicable relations of landlords and tenants in a district where confusion and unfriendly relations are the rule."*

A considerable part of the area which had been notified consisted of uninhabited islands and chars or of Sundarban forest. This was surveyed, but except in a technical sense no record-of-rights was prepared for it.

On the other hand a record-of-rights was prepared for certain areas, which at that time belonged to Bākarganj, but have since † been transferred to other districts.

A detailed statement of all these areas, which is necessary for purposes of record, will be found in Appendix B.

After these additions and subtractions have been made, the total land area which was dealt with in the district operations amounts to 3,226 square miles in which a survey was made and 2,972 square miles in which a record-of-rights was prepared and is thus distributed among the different thanas. These figures are therefore used in the various statements of this part:—

Thana name	Total land area.	Subtract area excluded by notifications	Add area subsequently transferred to other districts.	Net area surveyed.	Forest and uninhabited islands.	Net area for which a record-of-rights was prepared.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
Gauri di	158,644	...	3,296	161,940	...	161,940
Jhalakati	88,042	1	...	88,041	...	88,041
Nalchhiti	53,275	...	...	53,275	...	53,275
Bākarganj	90,454	69	...	90,454	...	90,454
Barisal	94,072	1,102	...	94,072	...	94,072
Mehendiganj	159,404	19,165	206	140,445	3,694	136,751
Patuākhali	158,731	...	...	158,731	...	158,731
Amali	301,817	...	...	301,817	96,032	205,785
Gatachipā	197,855	25,856	...	171,999	23,202	148,797
Bauphal	98,576	949	...	97,627	879	96,748
Swarupkati	132,194	1	571	132,764	...	132,764
Pirozpur	73,395	...	...	73,395	...	73,395
Bhandaria	71,174	135	...	71,039	...	71,039
Mutharia	154,875	34,855	...	120,020	10,371	109,649
Bholā	152,264	56,245	9,369	105,388	133	105,255
Barāhanuddin	247,549	43,847	...	203,702	28,412	175,290
Total	2,233,492	182,225	13,442	2,064,709	162,723	1,901,986

* No. 919 T.—B. of 6th June 1902, from Government of Bengal to the Board of Revenue. See also Appendix B.

† Notification No. 662 R.-1, dated 25th March 1912, printed on page 701 of the Eastern Bengal and Assam Gazette of 27th March 1912.

Organization of the Operations.

281. The Director of Land Records and the Superintendent of Provincial Surveys visited Barisāl in December 1900. It was then decided that traverse and cadastral survey should proceed generally upon the lines laid down in Bihar, that the Settlement Officer, Mr. Beatson-Bell, should go to Darbhanga for a month to study the working of the Bihar system and to draw up rules for khānāpuri (record-writing) in Bākarganj, and that a small experimental area should be carried up to khānāpuri as early as possible in 1901 in order to test the system and the rules in actual working before the serious work of the district began.

January 1901 was accordingly spent in Darbhanga, where Mr. Beatson-Bell received unstinted help from Mr. Kerr and Mr. Gourlay.

On his return work began at once in the estate of Bāmna in thana Mathbāriā, which had been selected as the experimental area at the request of Messrs. Garth and Weatherall, who were trustees in respect of the greater part.* This estate forms a compact block, roughly 33 square miles in extent, which was known to be full of tenures and otherwise characteristic of the district.

The khānāpuri rules were ready in February 1901 and the lines laid down for the attestation rules at an inspection by the Director of Land Records in December 1901. The attestation rules were produced in December 1902 and the forms in which the record-of-rights should be finally framed were approved by the Director of Land Records in October 1902.†

At the inspection of December 1901 the programme of operations in the district was sketched out as follows:—

Locality with names of thanas,		TO BE FINISHED IN THE YEAR ENDING 30TH SEPTEMBER.			
		Traverse survey.	Cadastral and khānāpuri.	Attestation.	Final publication
Experimental area.	Bāmna estate, thana Mathbāriā.	1901	1901	1902	1903
Block A.	Barisāl, Bākarganj, Nalchutti, Bāuphal.	1901	1902	1903	1904
Block B	Patnākhali, Galāchipā ...	1902	1903	1904	1905
Block C ...	Bholā, Barahānuddin, Mehondiganj, Gauradi.	1903	1904	1905	1906
Block D ...	Swarnpātī, Pirozpur, Jhalakāti, Bhāndāriā, part of Mathbāriā.	1904	1905	1906	1907
Block E (the Sundarbans).	Āmtali and Sundarban portion of Mathbāriā.	1905	1906	1907	1908

It was, however only in 1903 that it was finally determined‡ that the Sundarbans should form part of the district operations and not be left to the Commissioner in the Sundarbans, who was at that time in immediate authority therein.

In the main these arrangements held good and, apart from estates whose land revenue was under resettlement, the final publication of the district was finished in 1908.

* No. 278 S. of 14th October 1901 (Annual Report, paragraph 6), from the Settlement Officer to the Director of Land Records.

† No. 167 of 20th October 1902 (Annual Report, paragraph 1), from the Settlement Officer to the Director of Land Records.

‡ { No. 4015 L.R. of 21st December 1903 from Government of Bengal to Board of Revenue.

{ No. 3440 of 12th August 1904 } from Government of Bengal to Government of India.

{ No. 667 of 4th February 1905 } from Government of Bengal to Government of India.

{ No. 569-154-8 of 14th April 1905, from Government of India to Government of Bengal.

As the procedure adopted in Bākarganj was based upon the procedure of Bihar, which has been described at length in the final reports* of Muzaffarpur, Saran and Darbhanga survey and settlement operations, it is only necessary here to give a brief outline of the general method of the work and then to fill in the outline with details of progress in Bākarganj and a note of the difficulties and developments which were peculiar to Bākarganj.

General outline of the method of work.

282. Ignorance is so very general not only in this district but throughout Eastern Bengal, not only amongst the public but even in Courts and amongst officials, of the various operations which take place before it is possible to produce a map and a record-of-rights fit for final publication under section 103 A (2) of the Bengal Tenancy Act that it will probably be of some value if the method and purpose of the various operations are explained in their chronological order. These operations are:—

Traverse survey;	Disposal of objections under section
Cadastral survey;	103 A, Bengal Tenancy Act
Khānāpuri or record-writing;	Jānch or final scrutiny;
Attestation;	Preparation of a fair copy;
Draft publication;	Final publication.

For the greater part of the area this is a complete list, but in the temporarily-settled tracts, where a resettlement of land revenue has been ordered, a further stage in the settlement of fair rents takes place before the final scrutiny.

In making a detailed survey of a large tract of country two methods are possible. The natural method is to begin with a central field and by adding field after field in a gradually widening circle to build up the plan of the whole tract around it. The scientific method is first to make a plan of the exterior boundary of the tract, then to cut it up into sections and finally to survey the limits of every field within each section. The natural method is perhaps sufficiently accurate in an area, which is not too large for the activities of a single surveyor; but as each inaccuracy in the measurement of a field correspondingly swells or contracts the exterior boundary of the area and as a slight error in the direction of any line in the earlier stages of the survey is exaggerated a hundredfold at the extremities, it is useless in an area so large as to require several surveyors, whose independent plans must of necessity exhibit the widest divergencies along their common boundaries. Moreover in a large tract the natural method supplies a map which is geographically inaccurate, since it treats the earth as a plane and provides no means of applying corrections for the curvature of the earth's surface. The scientific method is not open to the same objections. The exterior boundary of the entire tract is surveyed by the aid of angular measurements under a system which provides a severe mathematical check upon their accuracy and permits mathematical corrections for the earth's curvature; and the tract is then divided by the same means and under the same check into sections of convenient size. Errors occurring in the measurement of individual fields or the direction of individual lines are thus confined to the section in which they occur, while the map of the entire tract can be made geographically accurate.

The method of survey adopted in settlement operations, which is generally known under the name of traverse survey, makes large use of the maps of the Revenue Survey. This was a professional survey which delineated the boundaries of every mauzā or village and supplied a congregated plan of the Bākarganj district on the scale of 4 inches to a mile.

The district was first divided into tracts with an area of 250 square miles known as main circuits, whose periphery followed the boundary of villages as shown in the Revenue Survey maps. These main circuits were then divided into sections, known as sub-circuits, with a similar periphery. Three groups of surveyors then took the field, two to measure the sides and angles of the villages on the periphery of the main and sub-circuits and the third to

* Published in 1901, 1903 and 1904, respectively.

measure the sides and angles of the villages within each sub-circuit. The demarcation of the actual village boundary on the ground was done in advance, each bend or sinuosity being marked by an earthen mound and being made visible to its nearest neighbour on either side by the removal of all trees and other obstructions in a straight line between the two. When the line was too long, additional stations were provided to aid the detailed survey of fields which was to follow. The surveyors then measured the straight line between the bends and the angle which each line made with its predecessor. In the case of main and sub-circuits both measurements were made with greater care and more accurate instruments. To afford a check upon the accuracy of the measurements "azimuths" were taken at intervals, being astronomical observations by means of which the angular inclination of any line to the meridian is obtained. The surveyor as he proceeded marked each bend or "station" with a cylinder and each village trijunction with a stone prism.

The series of measurements were then sent to office, where searching mathematical tests were applied to them. Where discrepancies appeared, the measurements were made afresh.

In order to convert these linear and angular measurements into a plan of each village "bearings" and then "co-ordinates" are calculated, the "bearing" being the angular inclination of each line to the meridian and the "co-ordinate" being the rectangular distances in a north, south, east and westerly direction between each "station" or bend and the surveyor's starting point in the village. With a knowledge of these distances the position of each "station" can be accurately shown on a sheet of paper which has been divided by vertical and horizontal lines into a network of equal squares. In Bākarganj the side of each square measured 1 inch, which was assumed to represent 5 "chains," each 22 yards in length. As 80 of these chains make 1 linear mile, the scale of the sheet and hence of the village plan became 16 inches to 1 mile.

The same methods were applied to convert the linear and angular measurements of the main circuit into a plan of the entire tract, except that the co-ordinates were run down not from the surveyor's starting point as in the case of the village, but from an origin chosen for the whole district and usually an imaginary point near the centre of the district formed by the intersection of any parallel of latitude with any meridian. A mathematical correction also was given to the "bearing" for convergency of meridians due to the curvatures of the earth's surface. This correction cannot be absolutely exact and involves a slight distortion, which was eliminated by connecting the survey with such stations of the Great Trigonometrical Survey as fall within the area. As a result of these operations a plan of each main circuit was prepared and placed in its true geographical position and a separate plan was provided of the boundaries of each village as a skeleton into which the detailed survey of its fields should subsequently be fitted.

The operations of the traverse survey described above are complete in one year, the cold weather being employed in the measurements on the ground, the hot weather and the rains in the conversion of these measurements into the village plots on the scale of $16'' = 1$ mile.

In the next season the village polygon (or sheet) was handed over to an amin, who proceeded to the village to measure and plot upon the polygon all topographical features and the sides of every field. The situation of each corner and each salient point was found by taking rectangular offsets either from the sides of the polygon for short distances or for longer distances from straight lines joining points on any two of these sides and from shorter connections joining such lines. To ensure accuracy all measurements were made by means of a chain of 22 yards and offsets were not allowed to any points which involved longer measurement than two chains or 44 yards. It may be noted that on a map of the scale of $16'' = 1$ mile it is difficult to show accurately distances of less than 4 yards and impossible to show at all distances of less than 2 yards.

The amin next numbered each field serially and entered the field into a book called the "khasrā" which detailed the kind of land, the nature of the crop grown, if under cultivation, and the name of the raiyat in whose possession it is found. He then entered the field into a paper called the "khatīān,"

one of which was prepared for every raiyat who held any land in the village. In this paper he entered the name of the raiyat and the plots of which he was in possession. Raiyats sometimes sublet some or all of their lands temporarily or even permanently to under-raiyats. In such a case the amin entered the field again in a similar "khatiān" prepared for the under-raiyat. The amin at the same time entered in each "khatiān" the name of the raiyat's landlord and prepared for each landlord a paper called a "khebat," in which he entered his name and also the field numbers of any lands, such for example as homestead, which the landlord may keep in his own possession and not sublet to tenants. Where the landlord was a middleman and had himself a landlord, he entered that landlord's name and prepared for him another a khebat." The landlord's "khebat" will subsequently be completed with "list of all his tenants and details of their tenancies.

In preparing "khatiāns" and "khebats" the definitions of the Bengal Tenancy Act were observed, which divide those having an interest in agricultural land into three classes—proprietor, tenure-holder and raiyat. For each proprietor and tenure-holder, as defined by the Act, a "khebat" was prepared, even though he may cultivate his land, and for each raiyat a "khatiān," even though he may sublet it, so that a "khebat" became a paper containing the details of the interest of a proprietor or tenure-holder as defined in the Tenancy Act and a "khatiān" became a paper containing the details of the interest of a raiyat or under-raiyat as defined in the Tenancy Act. A specimen "khebat" and a specimen "khatiān" are reproduced in English in Appendix C.

Disputes which arose about the boundaries or ownership of fields or tenancies were decided on the spot on the basis of existing possession by officers appointed for the purpose. A copy of the khatiān or khebat for each tenancy was given to the recorded possessor.

When the detailed map and record-writing of each village were complete, the area of each field was extracted by a mechanical calculation from its delineation on the map and the result was entered in the khasrā, khatiāns and khebats.

These operations comprise the second year's work, the cold weather and part of the hot weather being employed in the detailed survey and the record-writing, the rest of the hot weather and the rains in the calculation of areas and their entry in the record.

The work of the first and the second year was entirely under the control of the Survey Department, except that disputes were decided by officers of the Settlement Department. At the end of the second year the khasrā, khebats and khatiāns were handed over to the Settlement Department together with a photographic copy of the village map made by the Vandyke process.

In the next season these were again taken to the village where landlords and tenants were brought together and where by aid of a series of friendly conversations an Assistant Settlement Officer scrutinized the entries made in each khebat or khatiān with a view to the removal of errors in either map or record. The rent payable for the tenancy under any legal contract was then entered by the officer in the presence of both landlord and tenant. The officer at the same time entered the status of the tenant, that is to say, whether tenure-holder, raiyat or under-raiyat, and his classification, that is to say, whether he is a permanent tenure-holder or, if a raiyat, whether he is a raiyat holding at fixed rates, a settled raiyat, an occupancy raiyat or a non-occupancy raiyat, and made a note of any special rights and incidents connected with the tenancy.

All matters in dispute between landlord and landlord, landlord and tenant or tenant and tenant, including the amount of the rent, were then decided by the officer on the basis of existing facts or possession.

On the completion of each village the record-of-rights was published in draft under section 103 A (I) by reading out all entries in every khebat or khatiān to the assembled villagers. After draft publication the period of one month was allowed, during which the record may be inspected and objections lodged against any entry therein. These objections were then enquired into one by one by another Assistant Settlement Officer usually of more experience and corrections were made as appeared necessary on the result of the enquiry.

These operations completed the third year, the cold weather and the hot weather being employed in attestation and draft publication, the rains in the disposal of objections lodged.

In the following season the record-of-rights thus prepared was carefully scrutinized in the head office by a staff of clerks, who brought to light omissions and obvious errors. All orders by competent authority were examined to see that effect had been properly given to them in the record, the plots entered in the khebats and khatians were scrutinized to see that no field had been omitted or entered more than once, while the khebats or khatians of tenancies which appeared to have land in more than one village were examined to see that in all points of description and record where agreement is necessary agreement has in fact been obtained. Finally the khebat of each landlord was completed by entering upon it the total area of his tenancy and the list of his tenants with the rent which each paid and the amount of land which each held.

The scrutiny complete, a fair copy was made of the draft record, which had by this time been reduced by correction and much handling to a miserable condition. The fair copy was in duplicate, one copy being for lodgment in the collectorate as the public record and the other for distribution to the recorded owners of each tenancy. The fair copy was carefully compared with the draft record to eliminate copyists' errors and was then finally published in the village under the provisions of section 103 A (2) as the record-of-rights ordered by Government under section 101 (2) of the Act. Final publication was made by a clerk who read to the villagers assembled in a convenient place in the village the whole record from beginning to end.

In temporarily-settled tracts where an order had been made by the Local Government under section 101 (2) (d) of the Bengal Tenancy Act the rents of all tenants were revised before final scrutiny. The agrarian conditions of the estate or tract were examined by an Assistant Settlement Officer and on the results of this examination proposals for revised rates of rent were made by the Settlement Officer to the higher Revenue Authorities. On receipt of their orders the Assistant Settlement Officer proceeded to the village and explained to each tenant his new rent. He then formally published in draft the rent-roll and considered any objection thereto which any tenant put forward. When orders had been passed upon such objections and appeals, the record was made over for final scrutiny in the usual way.

These operations employed a fourth year in the normal routine. Even after final publication there is further work to be done; but this is described separately in Chapter III.

283. The area under resettlement of land revenue was situated in scattered patches in each thana, and, while the settlement of fair rents delayed final publication in all cases, the amount of delay varied greatly even amongst estates in the same thana. The date of final publication in each estate has been shown separately as it is required for purposes of record. With this exception, the following table shows for each thana in the district the year in which each stage of the operations was encompassed:—

Name of thana.	Area under survey and settlement sq. miles.	Block as proposed.	Traverse survey.	Cadastral survey.	Khānā-purī.	Attestation and draft publication.	Objection under section 103 A.	Final scrutiny and preparation of final copy.	Final publication.
Matbaria (Bāmnā) ...	33	Experimental.	1900-01	1901	1901	1901-02	1902	1902-03	1903
Barisal ...	458	A	1900-01	1901-02	1901-02	1902-03	1903-04	1904-05	1905
Bākarganj ...									
Nalchhiti ...									
Bauphal (except 66 square miles).	06	A	1900-01	1901-02	1901-02	1902-03	1903-04	1905	1906
Bauphal (area adjoining Patuakhali).	421	B	1901-02	1902-03	1902-03	1903-04	1904	1904-05	1906-07
Patuakhali ...									
Galachipa (except Kabnabai islands).									
Galachipa (Kabnabai islands).	96	B	1901-02	1902-03	1903-04	1904-05	1905	1911	1912
Bholā ...	955	C	1902-03	1903-04	1903-04	1904-05	1905	1905-06	1906-07
Barāhānuddin ...									
Mehendiganj ...									
Gaurānādi ...									
Jhalakati ...	604	D	1903-04	1904-05	1904-05	1905-06	1906	1906-07	1907-08
Swarupkati ...									
Pirozpur ...									
Bhandaria ...									
Matbaria (except Bāmnā and the Sundarbans).	60	E	1903-04	1904-05	1904-05	1905-06	1906	1907	1908
Antali (North) ...	533	E	1904-05	1905-06	1905-06	1905-06	1906	1907	1908
Antali (Sundarbans) ...									
Matbaria (Sundarbans).									
Total ...	3,226								

The Superior Staff.

284. Mr. N. D. Beatson Bell joined as Settlement Officer on 23rd November 1900 and gave over charge on 25th March 1905 to take up the post of Director of Land Records.

I joined as Assistant Settlement Officer on the 6th December 1901 and took over charge as Settlement Officer on 25th March 1905, holding the post until my appointment as Director of Land Records on 10th April 1911.

From 6th May to 9th November 1908, when I was on leave, Mr. H. K. Briscoe, I.C.S., acted as Settlement Officer.

Mr. J. D. Sifton, I.C.S., acted as Assistant Settlement Officer from 13th January to 19th June 1905, when he reverted to general duty. Mr. J. A. Milligan, I.C.S., joined as Assistant Settlement Officer on the 19th October 1905 and left to take charge of the operations in Jalpaiguri on the 19th June 1906. Mr. C. Tindall, I.C.S., acted as Assistant Settlement Officer from 27th October 1905 to 3rd January 1906, when he reverted to general duty owing to the postponement of the Faridpur operations in that season.

Mr. F. D. Ascoli, I.C.S., who was primarily attached to the staff of the Faridpur settlement, also gave assistance in the years 1909 and 1910.

Babu Pyari Mohan Bose, Deputy Collector, joined the settlement on 1st April 1901, and left it to act as Personal Assistant to the Director of Land Records on 30th March 1908.

The rest of the superior staff consisted of Deputy Collectors, Munsifs, Sub-Deputy Collectors, Assistant Settlement Officers not in any service, and kanungos.

The kanungos were employed chiefly in the preparation of tenure trees and in the inspection of khānāpuri and the decision of disputes brought forward at that stage. Occasionally they were also used in attestation camps to supervise the work of the clerks. They were also employed as recovery officers in the collection of the cost of the operations from landlords and tenants after final publication had taken place. In the post of kanungos young graduates and under-graduates, fresh from college, were chiefly appointed as likely to be quick to learn and active in their habits, while sufficiently educated to grasp without difficulty the complicated system of land tenure in Bākarganj. This was an experiment in settlement procedure, but it was very successful and much useful work was done by the kanungos.

Deserving kanungos were appointed Assistant Settlement Officers, in which capacity they were employed almost exclusively on attestation and in the preparation of tenure trees.

The Deputy Collectors and Sub-Deputy Collectors on the staff were employed in all branches of the work, including the disposal of objections filed under section 103 A. Munsifs were first employed in 1905 under an arrangement with the High Court by which they were sent for short periods for training.* They were treated as ordinary members of the staff and in Bākarganj were employed chiefly in attestation and the trial of cases after final publication. Babu Pyari Mohan Bose was chiefly in charge of the large office at head-quarters.

A list of the officers of the Settlement Department, who worked in the district, is given in Appendix D.

Detachments of the Survey Department dealt with the survey of Bākarganj until 1904 when an Eastern Bengal party was formed. The traverse detachment was under the control of Mr. E. F. Berkeley in the season of 1900-01, of Mr. W. Skilling in 1901-02, of Mr. C. H. H. Johnson from 1902 to 1904.

The cadastral detachment was under the control of Mr. E. F. Berkeley until 1902, when he was removed, and Mr. E. N. Bedford was subsequently in charge until 1904.

* { No. 548, dated 20th February 1905, from the Registrar of the High Court to the Chief Secretary to the Government of Bengal.
 { No. 1091-252-2, dated 24th July 1905, from Under-Secretary to the Government of India, Department of Revenue and Agriculture, to the Chief Secretary to the Government of Bengal.

In 1904 an Eastern Bengal party (No. 6) was formed under the control of Mr. A. W. Smart, Extra Assistant Deputy Superintendent of Survey, with traverse and cadastral camps in charge of the same officers as before.

In 1905 the control of cadastral survey and khānāpuri was transferred to the Settlement Department, so that inspection of future cadastral and khānāpuri work should be carried out by kanungos and Assistant Settlement Officers.

Traverse Survey.

285. The origin adopted for the district was the intersection of N. latitude $22^{\circ} 30'$ by E. longitude $90^{\circ} 30'$, well in the centre of the district. The staff employed was Bengali, but as coolies could not be obtained locally they were imported from Hazaribagh. Generally speaking, demarcation was very ineffective and the surveyors had to find their own village boundaries with little assistance from the villagers; but as very frequently the village boundary is one of the innumerable rivers or streams in Bākarganj, this difficulty was to a large extent minimized. Stone prisms were embedded to mark village trijunctions and cylinders or pegs to mark ordinary theodolite stations. It should be noted that these trijunctions were not necessarily or even usually at the actual points of trijunction of contiguous villages. Where the point of trijunction was in the middle of a stream, as frequently happens in Bākarganj, such identity was impossible and in other cases identity was often not attained owing partly to defective demarcation and still more perhaps to local ignorance of village boundaries. In Bākarganj there is little village feeling, as there is no village community, and village boundaries do not interest the inhabitants. The village boundary rarely interested landlords also, as they knew that their estates were not necessarily continuous with the village boundary owing to the intermixture of estates and parganas in many villages.

286. No great difficulty was experienced in the traverse survey of the district. In some thanas, and especially in thanas Swarupkāti and Pirozpur, the extensive gardens of betel-nut made line-clearing troublesome; while in the two great swamps in the centre of thanas Swarupkāti and Bhāndāriā the quaking earth gave no firm ground upon which to place the theodolite. In the Sundarbans the density of the forest and jungle debarred any attempt at systematic line-clearing along the edges of the tidal creeks and compelled the adoption of a system of zig-zag traversing in which stations were alternately placed on opposite banks of the creek and the distances measured across water by means of observations with the subtense bar. Both banks of the Madhumati and Baleswar rivers, which successively form the district boundary, were surveyed and connected in 1905-06 and an offset survey was made at the same time on the Bākarganj side of the high bank and the high and low water marks.

The traverse party also in 1904-05 surveyed topographically 227 square miles of dense forest on the 4-inch scale and 93 square miles of the Haringhātā river on the 2-inch scale. Sheets on the 16-inch scale were prepared for all scattered cultivation which was found. Some further scattered survey was made in later years of islands which had been omitted or of new char formations, the most important of which was the resurvey of South Sāhābāzpur and the connection of the district survey through Hatiā with the mainland of Noākhāli and thence with the diara survey of 1908-09 in Tipperā. This was done by Mr. Newton in 1908-09 and was not an easy piece of work. The resurvey of South Sāhābāzpur was necessary, partly because the cadastral survey of Char Bhutā was found to be a work of imagination and the district traverse did not penetrate far enough south to permit of fresh accurate cadastral survey and partly because the previous maps of the south-eastern portion which had been left out of the district operations had been rendered by new char formations somewhat out of date.

Char Mādrās, an island south of Char Bhutā, which has formed since the district survey and is now 35 square miles in extent—all mud with a core of jungle and grass—was also surveyed at the same time at the request of the Collector. Two similar chars in the Meghna river, Char Meghā and Char

Buller, were surveyed in 1909-10, as well as Char Hare, an old forest island in the Bay of Bengal, which the traverse surveyors were unable to find.

As a matter of record the survey comprised 83,495 stations, of which 16 were old pillars, 5,896 were marked by embedded stone prisms, 29,173 by embedded cylinders—all in A and B Blocks—42,166 by embedded pegs. The 6,244 stations which remain were in the Sundarbans, where soft soil would soon have swallowed up stones and the ordinary peg. Here the trijunction points have been marked by 145 galvanized iron cylinders and 20 trunks of trees, cut off at the right height, while salient points on the boundaries and intermediate stations have been marked with 11 galvanized iron cylinders and 397 trunks of trees. At the remaining 5,671 stations wooden pegs 3 feet long and 4 inches in diameter were driven into the ground.

Eighty-two azimuths were observed in A block giving a mean magnetic variation of $1^{\circ} 36' E$. In B block a variation of $1^{\circ} 30' E$. was the result of 68 azimuth observations, while in C block 120 observations gave a variation of $1^{\circ} 26' E$ and in D block 150 observations $1^{\circ} 05' E$. The mean of the azimuths observed in the Sundarbans gives a magnetic variation of $1^{\circ} 02' E$. There are only 4 stations of the Great Trigonometrical Survey in Bākarganj, all in the extreme north of the district and numbered XXIV, XXVI, XXVIII and XXX in the East Calcutta longitudinal series. The two at Kayāriā and Khalispur have been washed away by the big rivers. The other two at Bhātrā and Gangāpur were duly connected with the district survey during the progress of the traverse in C block. Both are in a ruined condition.

287. The traverse parties had a varied experience in Bākarganj. Rain sets in early in the district and is very persistent, while the spring tides of March not only leave the country a bog, but make all drinking water salty in many parts. In A block two epidemics of cholera frightened the coolies into flight. In B block the islands in the Bay of Bengal were found to be unpleasantly full of tiger and wild buffalo. The weather also was squally and a cyclone on the 13th March 1902 destroyed all the tents, although the records were fortunately saved. C block was unhealthy. In D block the quivering surface of the swamps threatened to engulf the surveyors, who were repeatedly chased out of the higher banks of reeds by charging herds of wild buffalo. In the Sundarbans the establishment had to live and sleep in country boats and to draw drinking water and supplies at regular intervals from the north. There was a great deal of sickness and on return the establishment presented 'a ghastly appearance.' Tigers waited for them when they got out of their boats on to the banks and crocodiles made caution equally necessary within their boats. The inhabitants and the wood-cutters of these parts fear the crocodile more than the tiger, as the crocodile has not seldom picked a man out of a canoe or dragged him from a bigger boat if he sat carelessly too near the water. Tigers killed two of the establishment, although in one case a surveyor in the squad was plucky enough to hit the tiger over the head with his brass sight-rule. It is little cause for wonder that many of the staff absconded in the Sundarbans.

Cadastral Survey.

288. Experience in 1901 in the experimental block only suggested one small change in the Bihar cadastral rules. As previously remarked, there are no village sites in Bākarganj. Each homestead is a self-contained unit at some distance from its fellows. The large scale ($64'' = 1$ mile) surveys necessary for village sites in Bihar were therefore at once dispensed with. Further experience showed that the number of plots in homestead lands was excessive under these rules, and in 1902 it was decided to treat the homestead as a single plot and not to survey separately the site, courtyard, garden or tank.* Without a knowledge of the definition of a plot it is impossible to read a cadastral map correctly.

* Secretary of the Board of Revenue to the Director of Land Records, No. 269 A., dated the 19th September 1902.

As finally framed after these modifications, the definition of a plot in Bākarganj was as follows :—

“ A plot (*dag*) is a piece of land possessed by one person or set of joint persons, round which one periphery can be drawn, which is held under one title and consists of one kind of land.”

Criminal Courts and other investigating officers are often puzzled to find that the plots shown in a village map do not agree with the apparent facts of division and possession as explained to them on the ground. It will save much perplexity in the use of these maps, if it is understood that contiguous fields of cropped lands belonging to a single cultivator, although divided by *ails*, are shown as a single plot and that temporary partitions between co-share cultivators or annual sub-leases of a portion of a field, although marked on the ground with an *ail*, are not shown on the map, while on the contrary a single field or homestead belonging to a single cultivator and exhibiting no marks of partition may be shown in the map as two or more plots if the whole of the land is not held under a single landlord.

289. The subordinate staff employed in cadastral survey was never very satisfactory. From the beginning a local agency had been prescribed, as the Settlement Officer was strongly of opinion that such a course was right and that with a foreign agency errors would creep into the map and record from a misunderstanding of the information given. The Board agreed with the Settlement Officer, although the Superintendent of Provincial Surveys was strongly of opinion that Bengali amins would prove worthless. A small supply of local amins was trained in the experimental block, some of whom were employed as the subordinate inspecting staff in the next season. The next season however showed that the local material, both Inspector and amin, was very inferior, being described as “ corrupt and lazy ” by the Superintendent in his annual report. Many Inspectors were dismissed, while the amins

Inefficiency of the Bengali amin.

only reached an average outturn of 250 acres of survey a month. As the chainmen and coolies of each amin cost Rs. 32 a month, so low an outturn forced up the cost rates to an enormous figure. The Board agreed to lighten the Bengali lamp with a small proportion of up-country Inspectors and amins, while to meet the laziness of the local amin a new system of contract payments was introduced under which the amin was responsible for the payment of his own chainmen and coolies and was himself paid on a sliding scale according to the quality of his work. These changes were on the whole successful and cost rates were thereby materially reduced ; but it is doubtful if most of the local amins ever succeeded in turning out work of a high quality. In particular the survey of an area in Mathbāriā thana comprising the Debnāthpur and Sonākhāli estates was hurriedly done late in the season of 1904-05 after the land had become a bog with the result that it is doubtful whether, despite strenuous efforts at later stages, it has been possible to ascertain and correct all the mistakes. The survey in the Sundarbans late in the same season was equally hurried ; but it was redone in the following season.

290. Few incidents lent colour to the cadastral work in Bākarganj. The large areas under garden often caused much trouble, while splashing about in

Comment on the cadastral work.

the marshes was an unpleasant experience for many amins. Late in the season also work was often impossible at flood tide and had to be completed while the water was draining off a muddy ground in the hours of the ebb. Health was on the whole good, although in 1904 an epidemic of cholera carried off 25 of the establishment in Jhālākāti.

The number of plots measured in the district was 2,828,388, giving an average of 877 a square mile for land in the area under survey and 950 a square mile in the area for which a record-of-rights was prepared. This average is however of less worth, as the definition of a plot was changed in the middle of the operations.

Fields are large in the island of Sāhābāzpur and in all the southern thanas and smallest in the rump of the district round Barisāl in thanas Barisāl, Nalchiti,

Jhālākāti and Bākarganj. They are also very small in the highlands in thanas Swarupkāti and Gaurnadi.

In 1905 when only a small portion of the district remained to be surveyed the control of cadastral survey was transferred from the Survey to the Settlement Department as described hereafter.

Preparation of the tenure-trees.

291. In the Bihar system one composite khabat for all proprietors and tenure-holders of each village is prepared by the Survey Inspectors during the course of khānāpuri. No copies are given. In the experimental block this system was given a trial.* It was originally intended that the Inspector should prepare a catalogue of the landlords in the village and make a chart or tenure-tree to display their exact position in the complicated chain of subinfeudation found in Bākarganj; but after a short trial it became evident that a higher order of intelligence was needed for the task. In April 1901 the Settlement Officer reported†:—

Bihar khabat rules unworkable in Bākarganj owing to the amount and complexity of subinfeudation.

“The experimental work in Bāmna has conclusively shown that when dealing with a large area it is altogether necessary, before the Amins begin khānāpuri, to disentangle the tenures of each village, set them out in the form of a “tree,” serially number them and embody them in a catalogue showing full details of present possession. It was hoped in the original scheme that the survey inspectors could perform this work while the cadastral stage was in progress. It has been proved however that comparatively few Inspectors have aptitude for this work, which is moreover so difficult and complicated as to absorb the whole time of an officer. An Inspector, who devoted to tenures the amount of time which they demand, would have to neglect the inspection and testing of cadastral survey. Considering also that the tenure-holders in this district are frequently men of wealth and influence and in many instances reside at a great distance from the village in question, it is evident that this important branch of work must be entrusted to gazetted officers who will command respect from the tenure-holders and prevail upon the different share-holders or their representatives to meet together at convenient centres for the purpose of comparing papers and reconciling discrepancies. At this stage many disputes can be recorded and decided. If we confine ourselves to calling for copies of papers from the various parties concerned, we shall certainly fail in our object. Generally speaking, landlords have a rooted objection to file papers and avoid doing so as long as they can possibly find an excuse for delay; and the papers received from different share-holders invariably show glaring discrepancies not only in the names of the tenures, but also in regard to the present occupiers. On the other hand it is not difficult for a gazetted officer to induce all concerned to come to a common conference bringing with them their original papers. When the conference is over each returns with his papers.”

Government‡ accepted these arguments and ordered a change in the system by which the landlords of each village should be ascertained and their mutual relationships elucidated by a special staff of Assistant Settlement Officers and kanungoes with adequate clerical assistance in the recess before each khānāpuri season commenced.

292. This special staff worked at convenient centres in the vicinity of landlords' cutcherries and got their information from the books and accounts kept in the cutcherries, from tenure-holders who appeared before them and from personal enquiries in the village. It was necessary that this information should be embodied in a form which should be at once compact and easily intelligible in order that the survey amins, who are not a very intelligent class, should be able to make use of it; yet where each village was held by a confused and complicated chain of landlords, this was no easy task. “The tenure-tree solved the whole of this complication and exhibited the true relation of each tenure to the tenure above and below it in a clear and simple diagram, the chain of subinfeudation as it extended downwards from the Government as revenue-receiver to the lowest grade of rent-receiver being exhibited in the form of a genealogical tree.”‡

* No. 173, dated 24th April 1901, from the Settlement Officer to the Director of Land Records.
 † Secretary to the Government of Bengal to the Secretary to the Board of Revenue, No. 993 T. & R., dated 4th July 1901.
 ‡ Inspection note of the Director of Land Records, dated 15th December 1901.

293. The inventor of the system* himself described its working as follows:—

“Owing to the multiplicity of tenures in Bākarganj district, it was decided to prepare for each village a chart of the tenures arranged like a genealogical tree. These charts are known as ‘tenure trees.’”

“A separate compartment in the chart is allotted to each tenure. Each compartment contains (1) the serial number of the tenure, (2) the *mudāfat* or name by which the tenure is generally known, and (3) a brief note showing the present possessors of the tenure. The proprietary rights from which the tenures originally issued are shown in the chart, but the raiyati rights which come below the tenures are not shown. The chart therefore shows at a bird’s eye view all the rent-receiving interests in the village.”

The code of rules, which was drawn up for the preparation of tenure-trees in block A, remained in force for the rest of the district. Indeed the most complicated work fell in block A, where the zamindaris of Chandradwip with its multitude of ancient tenures and of Selimābād and Shāistānagar with all the complexity produced by an old-time and ill-contrived partition are to be found and where the number of tenures reached the prodigious average of 300 in the square mile. No other area in the district was found to equal this in complexity or confusion.

294. The tenure-trees were prepared each year by a staff of Assistant Settlement officers and kanungoes during the recess between the traverse survey and khānāpuri. The work was done locally. The tenure-tree officer ascertained from the proprietors the particulars of the first grade tenure-holders; from them he ascertained the particulars of the second grade tenure-holders, and so on, until he reached the lowest grade of tenure. He built up his tree as he went along according to a few fixed rules drawn up for his guidance.† He then made a clean copy and submitted it to the Settlement Officer for approval. The tenure-tree officers were assisted by a staff of clerks who made out the draft tenure *khebat*s under their supervision. In Bihar the *khebat* is one composite document showing all the landlords of the village, but in Bākarganj a separate *khebat* was made out for each tenure-holder. The Bākarganj *khebat* is very similar to the raiyats’ *khatīān*. It shows the various landlords, the rent which each receives, the full names and shares of the present possessors of the tenure, the particulars of the subordinate tenancies and the plots in the immediate possession of the tenure-holder. It was of course impossible to enter all those items during the tenure-tree season. The work at that stage was confined to entering the particulars of the superior landlords and of the tenure-holders themselves. The other items were entered up as the work of khānāpuri and attestation proceeded. The tenure *khebat*s were prepared in duplicate form, the inner half remaining as a portion of the draft record and the outer half being distributed to the tenure-holder as his *parchā*. A cloth-backed copy of the tenure-tree and the complete file of *khebat*s of the village were made over to the khānāpuri amin, whose work was simplified to a notable degree. When once the landlord was located in the tenure-tree, the *khebat* was ready to hand and a mechanical copy of the entries in it was sufficient to complete the *khatīān*.

Khārīj or separated shares of tenures, for which rent was paid separately to the landlord, were given a separate compartment in the tenure tree and also a separate *khebat*. The same treatment was accorded to subdivisions of tenures, for which separate collections were made of rent from subordinate tenancies, although rent was not paid separately in respect of them to their own superior landlord. In this case however a sub-number and not a full number was given in the tenure-tree. The treatment of Collectorate “separate accounts” in estates merits attention. Separate *khebat*s and compartments were not prepared for these unless the natural and historical division of the estate corresponded with them. *Khebat*s were prepared on reference to the method in which the lands were managed so that proprietors who managed

*Mr. Beatson-Bell’s memorandum, dated 9th March 1905.

† The tenure-tree rules will be found in Appendix B and a specimen tenure-tree in Appendix F.

their estate by joint agency received only one khabat and one compartment despite "separate accounts" in the Collectorate.

All tenure-trees were sent to the Settlement Officer on completion, who passed them after examination. This was not a mere form. As so many of the estates and tenures in Bākarganj have lands in several villages, it was most necessary that all tenure-trees should pass through the Settlement Officer's hands that he might be able to detect and correct differences and discrepancies in the entry of the same estate or tenure in different villages. In this way Mr. Beatson-Bell examined and passed the tenure-trees of every village in Bākarganj, a work which merits the epithet of monumental.

The questions which arose in connection with tenures in the district are dealt with under the head of attestation. It may be noted as a matter of some interest that the cost of the preparation of these tenure-trees with khebats and *parchās* was almost exactly a lakh of rupees, or about 9 pies per square mile.

295. At subsequent stages many additions to or corrections in tenure-trees and khebats were made as a result of fuller information; and on the completion of the proceedings a corrected copy was made of each village tenure-tree, while the tenures of each estate in its various villages were collected and combined into a consolidated or "standard tenure-tree" for the estate.

296. The preparation of these tenure-trees was a most difficult work, as they had to be pieced together from disconnected fragments of information. The ignorance of all classes was profound, as the proprietor rarely knew of any tenures other than those of tenants-in-chief who paid their rent directly to him and each tenure-holder of anything more than the landlord to whom he paid or the tenant from whom he received rent. In a long chain of subinfeudation those at the bottom had a vague and inaccurate conception of those at the top, while those at the top admitted complete ignorance of those at the bottom; and it was seldom that any tenure-holder knew how much or what land was contained in his tenure or where it was situated. It was the duty of the tenure-tree officer to combine such unconnected fragments of information into a chain and to attach that chain to its correct piece of land. The work was done well and the tenure-trees, as they were the most difficult, were also the most accurate and the most valuable fruits of the settlement operations.

Khanāpuri.

297. Furnished with the tenure tree and the complete file of khebats, the amin began khānāpuri of a village as soon as the cadastral survey was finished. In Bihar and in most of Bengal khānāpuri presents no difficulty. Each plot is entirely covered by a single tenancy, the landlord of which is well known and easily entered. In Bākarganj it was far otherwise. A large number, perhaps the majority, of plots were in the joint and undivided possession of two or more tenancies which often differed in character, some being tenures and some holdings; and occasionally the same tenant might hold an undivided share as a tenure-holder and another undivided share as a raiyat. Even with a tenure-tree to help him, the amin often found great difficulty in locating the tenure of the tenant or the tenure of the landlord; but he could complete no plot until he had located it. In subsequent seasons the amins had acquired experience, but the difficulties were very great in the first season, as the Settlement Officer reported* :—

"The field season extended from 1st November to 31st July, during which time 88·43 inches of rain fell. The amins were new to the district, except for a sprinkling of men who had worked in the experimental estate of Bāmnā. Even with help of the tenure-tree, they were at first altogether bewildered with the intricacies of the land system. To make matters worse, the supply of *parchās* ran short in May, and the work nearly came to a standstill. Eventually the staff struggled through to the end; but the khānāpuri of the last batch of villages was done by plunging through deep water. In order to give a clear idea of the kind of khānāpuri which has to be faced in this district, I take a concrete example—plot No. 280 in village Mallik Dobā. I remember the plot, because I helped

* No. 167, dated the 30th October 1902 (paragraph 6) from the Settlement Officer to the Director of Land Records.

the amin to write it up. The accompanying 'Tree' shows the different interests which co-exist in this single plot:—

Proprietary interests ...	...	...	...	8
Tenures ...	...	...	...	35
Raiyati interests ...	...	...	...	4
				<hr/>
				57

The expression 'interest' is not meant to convey the idea of an individual person : in some interests there are eight or ten persons jointly concerned, while in others only one person is concerned. On the other hand, the same person or group of persons may recur in different interests. When we examine the 57 interests in this plot, we find that 41 are purely rent-receiving, while 16 are in physical possession of the soil. The plot is an ordinary piece of paddy land (with an area of a little over an acre and a-half). These 16 groups enjoy it jointly. They have not partitioned the plot, but they have separate ploughs and conduct their cultivation independently. Each group takes a portion of the plot and a periodical interchange is made. I note below the share enjoyed by each interest, and the local name of the tenancy:—

No.	Name of tenancy.		Share.					
			A.	G.	K.	KR.	T.	
43	Osat Nim Hāolā	...	...	1	15	2	...	14
44	Ditto	...	...	...	14	...	2	13
53	Mirās Ijārā	...	...	...	14	...	2	13
54	Nim Osat Nim Hāolā	...	...	...	7	...	1	7
45	Osat Nim Hāolā	...	...	1	1	1	1	...
65	Dar Mirās Ijārā	...	...	...	14	...	2	13
[One-third			=	5	6	2	2	...]
46	Osat Nim Hāolā	...	...	1	15	2	...	13
47	Ditto	...	...	1	1	1	1	...
56	Dar Mirās Ijārā	...	...	...	7	...	1	7
57	Ditto	...	...	...	7	...	1	7
48	Osat Nim Hāolā	...	...	1	15	2	...	13
[One-third			=	5	6	2	2	...]
49	Raiyati	...	...	1	8	3	1	...
59	Do.	...	...	...	14	1	2	...
51	Do.	...	...	...	2	3	1	10
52	Do.	...	...	...	7	...	2	10
42	Osat Nim Hāolā	...	...	2	13	1	1	...
[One-third			=	5	6	2	2	...]
Total			...	16	...	...	...	...

In other words the physical possession of the soil rests jointly, but unequally, with 7 Osat Nim Hāolās, 1 Nim Osat Nim Hāolā, 1 Mirās Ijārā, 3 Dar Mirās Ijārās and 4 raiyati interests. Each of these groups receives a separate rent-receipt from its superior landlord and is in every way treated as a separate tenant. If we look at the problem from a personal point of view, we find that the 16 groups resolve themselves into 9 with shares as follows:—

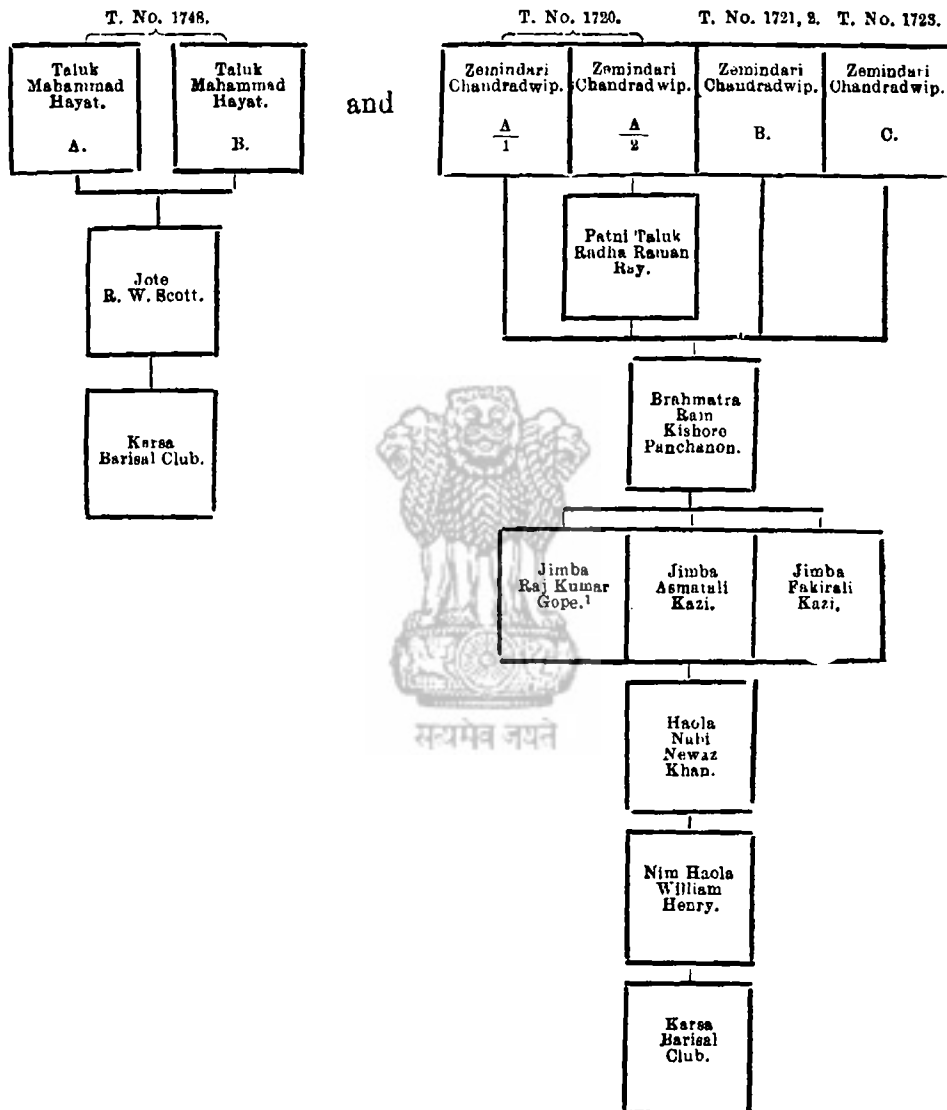
				Share.				
				A.	G.	K.	KB.	T.
Kokāi, etc.	...	...	...	2	17	1	...	7
Hurā Gāzi, etc.	...	...	...	2	17	...	1	1
Asuri, etc.	...	...	...	2	13	1	1	...
Kamaruddin	...	...	...	2	5	2	...	10
Baru Bibi	...	...	...	1	15	2	...	13
Ahamadāli, etc.	...	...	...	1	1	1	2	3
Mahamadāli Khondkār	...	...	...	1	1	1	1	...
Samiruddin	...	...	...	...	14	2	...	13
Abul Hossain, etc.	...	...	...	...	14	2	...	13
Total			...	16	...	...	...	...

The reduction from 16 to 9 has been effected by amalgamating the different interests owned by the same set of persons. For example, Kokāi and his three brothers enjoy the following distinct interests in this plot:—

No.	Name of tenancy.			Share.				
				A.	G.	K.	KB.	T.
45	Osat Nim Hāolā	...	...	1	1	1	1	...
57	Dar Mirās Ijārā	...	...	...	7	...	1	7
49	Raiyati	...	...	1	8	3	1	...
Total			...	2	17	1	...	7

It is absolutely necessary, however, to make out separate papers for each of these distinct interests: in other words, 16 *parchās* (khatians) had to be filled up, with the share carefully recorded in each. In due course some fraction of this plot will also be calculated as part of the area of each of the 41 rent-receiving interests shown in the tree. This is a typical example of our *khānāpuri*. Hundreds, in fact thousands, of such plots occur. Each member of the settlement staff had daily to spend many hours helping amins out of these 'barbed-wire entanglements.' "

The example given in this extract is not, of course, a fair sample of the plots in Bākarganj; but a few such plots were found in many villages and there was hardly a village which did not contain a large number of plots jointly held by several tenancies, thus I might mention as an illuminating instance that in every game of lawn-tennis upon the Court of the Barisal Station Club the ball goes to and fro over the net between :—



Progress was necessarily slow, although every effort was made to lighten the work, thus in 1902 a new and much abbreviated form of *kharsā* was introduced with the approval of the Director of Land Records, the number of plots was reduced by a more elastic definition, the boundaries to be given were reduced from four to two, and many other similar abbreviations were adopted.

298. For *khānāpuri* only Bengali amins were employed and, although nominally under the control of the Inspectors of the Survey Department, the inspection of their work was in fact chiefly in the hands of the Settlement Officer and his staff. In such a welter of involved tenancies the amins merely floundered unless guided by an intelligent superior to that possessed by the ordinary Inspector, who was usually only a promoted amin. Even with the aid of the tenure tree most amins

Necessity of assistance by officers of the Settlement Department.

blundered badly and in difficult villages the kanungo was usually required to explain the riddle before the amin could make a start. The tenure-trees themselves were not flawless; but it was found thatamins could be so little trusted to correct an error or to supply an omission without making confusion worse confounded that such work was soon confined entirely to kanungoes and officers of the Settlement Department.

299. The position was so anomalous—as the amin, who became thus dependent on the Settlement Department, was a subordinate of the Survey Department—that the whole system of dual control came under consideration in 1905, when Mr. Beatson-Bell was appointed Director of Land Records. The objectionable feature of the dual system in Bākarganj was the unbridled corruption to which it gave rise. By the auction sale of *parchās* and by more questionable methods the amins and Inspectors made enormous sums many times greater than their pay and defeated enquiry by cleverly playing off the officers of one department against those of the other. Complaints were many and loud, but the Survey Officers were inaccessible at headquarters and the Settlement Officers, who were on the spot, were powerless to give redress. The system of dual control had indeed become unworkable, as was recognized in a joint note prepared on the 1st May 1905 by the Director of Land Records (Mr. Beatson-Bell) and the Superintendent of Provincial Surveys (Major Chrichton). The main argument of the note sufficiently exposes the weakness of the system.

“In the larger survey and settlement operations in Bengal the Survey Department in addition to making the cadastral survey carries out the initial record-writing technically known as *khānāpuri*. The staff which does the *khānāpuri* is appointed, promoted, posted and transferred by the Survey Officer in charge of the Survey Camp. The Settlement Officer and his subordinates inspect the survey staff while they are engaged in *khānāpuri*. They decide disputes, correct errors which they detect in *khānāpuri* and give written instructions to the amins as to the manner in which *khānāpuri* should be conducted. The Settlement Officer has personally the power of punishing and even dismissing a survey amin or Survey Inspector; but no other officer of the Settlement Department has any power in regard to the survey and *khānāpuri* staff beyond the power of giving written instructions and in extreme cases of reporting the amin or Inspector to the Settlement Officer. The present rules regulating the relationship between the two departments in the matter of *khānāpuri* are based on the letter of the Government of India, No. 342 C.I., dated 24th March 1890. The rules will be found in Appendix C of the Survey and Settlement Manual.

“We have both had considerable experience of the working of these rules in the mufassal and we have loyally done our best to carry them out; but we consider it our duty to lay before Government our deliberate opinion that the rules are unsound in principle and are a constant source of friction. It is only by a continual process of give-and-take between the higher officers of the two departments that the system has been saved from complete failure. A lamentable breakdown may occur at any moment. On the one hand the officers of the Settlement Department know that Government looks to them for the preparation of a correct record-of-rights and realize that it is of vital importance to the ultimate record that the initial frame work should be properly prepared. The raiyats not only expect that the officers of the Settlement Department will see to the accuracy of the record, but also look to them for protection against the not infrequent extortion of survey amins and Inspectors. Many Assistant Settlement Officers and *khānāpuri* kanungoes feel their position keenly. They are held responsible for work done and faults committed by men over whom they have no real control. On the other hand, the members of the subordinate survey staff resent their position bitterly. They are primarily interested in survey, which is their own profession. They feel themselves to be criticised, hampered and obstructed by the officers of a non-professional department—officers who are sometimes hasty and arrogant and are always inclined to push on the record-writing for which they are responsible at the expense of the survey, which is outside their sphere of influence. When it is remembered that from December to May the Settlement Department has in the field the Settlement Officer, the Assistant Settlement Officers and the *khānāpuri* kanungoes, while the Survey Department has the Assistant Superintendent of Survey, the Sub-Assistant Superintendents, the Head Inspectors and the Inspectors, it is little to be wondered at that the amin, who actually carries out the initial record-writing, often finds himself confused beyond redemption by the multitude of advisers and the conflicting nature of their advice. It is frequently the case that an amin, who is at a convenient spot for inspection, is so bombarded with inspections from the two departments that he can never settle down to his work.

Condemnation of the existing system in a joint-note by the Superintendent of Provincial Surveys and the Director of Land Records.

"We have no desire to apportion blame to the officers of the two departments. It would be unprofitable to multiply instances of friction which have come to our notice. It will suffice to mention that Major Crichton has personal knowledge of a case in which the entire subordinate survey staff of a district struck work owing to the hasty and injudicious action of an officer of the Settlement Department; while Mr. Beatson-Bell has personal knowledge of a Civilian Assistant Settlement Officer who was so heart-broken by the system that he asked for permission to revert to general duty and requested that, if his prayer be not granted, he should be allowed to send in his resignation of the service. We may add that, as far as we are aware, the Bengal system has no counterpart in any other province.

"We have considered the question from every point of view, and we are convinced that an early change of system is called for. The most obvious suggestion for reform is that the cadastral survey should be carried out by the Survey Department and the *khānāpuri* by a separate staff working under the Settlement Department. We understand that this system is in force in Burma, and it has been incidentally practised in parts of Bengal; but we do not consider that it would be a success if generally adopted in this province. Apart from the obvious fact that the man who made the survey is better able to identify the fields and to write up the initial record, there remains a great objection to the system in that the *rai*yats will not attend during survey if they know that the *amin* is merely doing geographical work and will have no concern with the record . . .

"If the system mentioned in the last paragraph be rejected, we must fall back upon some system in which the Settlement Department carries out both cadastral survey and initial record-writing. In this way all friction is at once removed and the responsibility rests upon one department alone. The difficulty, however, lies in the fact that the higher officers of the Survey Department may perhaps be unwilling to accept non-professional maps as a basis for the standard atlas sheets of India, even though the non-professional maps have been framed upon a professional traverse. It has therefore been suggested that the officers of the Settlement Department might carry out such a percentage of check as the higher officers of the Survey Department see fit to lay down, and that the records of their check might be open to inspection. It has also been suggested that the Survey Department might be asked to make an independent check of the settlement maps before accepting them for atlas purposes. Lastly, it has been suggested that an officer of the Survey Department might be attached to the Settlement Camp as a professional adviser to the Settlement Officer. We both agree that in this case the Settlement Officer should continue to appoint and control the field staff and that the Survey Officer should in no way be held responsible for cost rates. Whether any of these suggestions or any combination of them would, if carried out, ensure the acceptance of the settlement maps is a point which can only be decided by a reference to the higher officers of the Survey Department. We should here explain that, whatever be the exact system which is adopted, we are of opinion that Settlement Officers and Assistant Settlement Officers who will be deputed to control cadastral work should spend at least 2 months in a cadastral camp, thoroughly studying the professional system both in the field and in the office.

"We desire to make it clear that we are not making the present proposals because of any disagreement between ourselves. Our relations with one another, both private and official, always have been, and now are, entirely harmonious. It is only the system which we regard as unworkable.

"Lastly, we would point out that the probable creation of a separate Director of Agriculture will allow the Director of Land Records to devote much more time to settlement duties and will enable him to supervise cadastral work as well as *khānāpuri* wherever both branches of work are made over to the Settlement Department."

In fairness to the officers of the Survey Department, it is necessary to make quite clear that the dual system was to blame for an unpleasant situation and not the officers who worked it. There were few complaints and little corruption during cadastral survey, when the officers of the Survey Department had full control of their staff. Moreover it must be admitted that, despite much effort, there was considerable corruption in the attestation camps of the Settlement Department, where in particular there was a brisk traffic in *parchās*. It was only in after years that a reasonable standard of honesty amongst the subordinate establishment was attained; and it was then attained by depriving them of that work of distributing *parchās* which with its tempting opportunities had proved their demoralization.

30J. The joint note was considered at a conference on the 31st May at which the senior Member of the Board presided and the Chief Secretary and the Deputy Surveyor-General attended and by which it was unanimously resolved that there was no longer any justification for the retention of the system of dual control and that in Chhota Nagpur and in Eastern Bengal it should be replaced by a system in which the entire responsibility for cadastral survey and *khānāpuri* should rest with the Settlement Department, provided that the officers of the Settlement Department go through a special

Transfer of the control of cadastral survey to the Settlement Department.

training in survey in professional camps, that a provincial officer of the Survey Department be attached as professional adviser to each settlement and that the maps prepared be open to the inspection of the Superintendent of Provincial Surveys. The Government of India accorded approval to these proposals with effect from the 1st of October 1905.

301. The officers of the Settlement Department took their course of training in survey in the recess of 1905; but even with this training, their capacity to undertake their new duties was uncertain. Moreover the experiment was subjected to a high trial in the season of 1905-06, where the work lay in the Sundarbans, an area not such as the amateur could survey. A large portion of the cultivation was in isolated blocks in the middle of dense forests, which were so little known that in the beginning of the season the Settlement Officer was lost for two days and two nights in his launch within them. The banks of innumerable streams had to be plotted which wind their way through the forest in a country where it was equally dangerous to stand in the water or on land, for tigers and crocodiles alike demanded their toll of the staff. Communication was only possible by boat and inspection was often converted into a search for an amin to inspect. Provisions were unobtainable locally and had to be brought from a long distance. All the water was salt and cooking water had to be carried with the boat. However the arrangements soon fell into shape and the cheerful energy of Mr. Milligan I.C.S. and Mr. Hodson, Deputy Collector, ensured a successful season. Great attention was paid to the survey of isolated blocks of cultivation and many were discovered which had hitherto been unknown, while to aid colonization the small creeks which wind their fetid way in and out of the forest were surveyed with great care, as reclamation always works its way inward from these creeks. It is pleasant to know that the Colonization Officer and his colonists think these maps invaluable. A great deal of partial was insisted on as much to teach officers who had newly learnt themselves as to examine work done by amins. The amins did not altogether appreciate this new pressure of inspection, regarding it no doubt with somewhat the same feelings as an amin in Lāluā experienced, when three tigers issued out of the forest together to inspect his work. The khānāpuri was easy, as plots were large, the population sparse and the tenancies unusually simple. Disputes were few and easily disposed of. Cadastral survey and khānāpuri was completed in the season, areas rapidly calculated and entered at headquarters and the records returned for attestation to the staff still in the locality.

302. This completed the main operations, although the season of 1908-09 saw the khānāpuri of a scattered area chiefly in Mehendiganj thana and Sāhābāzpur island of temporarily-settled estates in which the resettlement of land revenue was ordered in 1908. The work of this block was of a somewhat different nature. There was in all cases a record-of-rights in existence, prepared sometimes in the district settlement, but usually before. Amins were employed to bring the map and records then prepared up to date. Many corrections and changes were necessary and much fresh cadastral survey. The work was rapidly completed and field bujhārat was then made on it by five kanungoes on the Faridpur system. Under this system the kanungo visits every plot, examines the map and the khatīāns, corrects all errors, decides all disputes and enters up existing rents where they are undisputed. When this work is complete, the records are handed over to the attestation officer. The kanungoes employed worked well and handed over very good records for attestation.

303. The special work of the Settlement Department during the khānāpuri season was the decision of disputes. Three hundred and thirty-seven boundary disputes and 46,744 internal disputes were filed during the course of the operations which were decided by the officers and kanungoes of the Settlement Department in the season in which they were filed. The decision in only 118 cases had to be postponed. In estimating the quality of these decisions it is important to remember that all boundary disputes and all other disputes regarding possession were decided on the spot.

304. Of the boundary disputes many were very petty and many more were claims based on the Thak survey of land which had long been out of the possession of the claimants. Disputes about alluvial formations were often hotly contested and concerned large areas, but the most troublesome of the disputes were over land in the *bils* (marshes), especially in those within thanas Swarupkāti, Gaurnadi, Bhāndāriā and Jhālākāti. Of the total number of disputes 164 including all the more important boundary disputes, were decided by the Settlement Officer or his Civilian Assistants after personal enquiry. Cases concerning more than 20 acres were the subject of report by Assistant Settlement Officers; and the Settlement Officer passed orders after examining the report and hearing the parties. They numbered 64. In 109 of the less important cases final orders were passed by Assistant Settlement Officers. All the *bil* disputes were decided by the Settlement Officer, 33 after personal enquiry and 11 on report by Assistant Settlement Officers. Only 46 appeals were lodged to the Commissioner, of which 4 only were successful. Two second appeals to the Board of Revenue were dismissed.

305. Boundary disputes concerning alluvial formations did not give much trouble. They were occasioned by oscillations in the stream of the larger rivers, which had built land on one bank while destroying land on the other. An officer acting under the Survey Act is bound to be guided by actual possession which nearly always follows the present position of the river. The *bil* disputes were more interesting. Reclamation is proceeding apace on the margin of all the large *bils*, while the centre is a no-man's land in which released convicts and absconders take refuge. Might is right in these areas, where there is none to bear witness and where a man who is hunted by the police may vanish utterly amongst the reeds. The rivalry of landlords for the allegiance of these refugees is very keen and prior to the present operations no title was secure. The Civil Courts no doubt gave decrees based on the Thak survey, but in a country in which no permanent mark can stand it is easy to avoid the surrender of the land decreed and difficult without an expensive suit to prove that the land retained by the adversary is the land of the decree. Moreover the Thak maps are themselves faulty, as has been several times pointed out by the High Court, and it seems certain that they were often based upon no real survey of the ground. As the marshes dry up, each landlord on the fringe pushes out his tenants further and further, but each forward move is a jump to a post far in advance where a homestead is raised and the land cultivated, while the land behind is left unoccupied. In such cases the question at issue was whether the landlord of the tenant in the advanced outpost was entitled to the unoccupied "hinterland," when a reasonable demarcation of the Thak map allotted this land to another landlord. Most of such cases were decided on the theory that the hinterland went to the landlord in possession of the advanced posts. In the Gaurnadi *bils* there were 12 such disputes, covering extensive areas and in the Swarupkāti *bils* 24, three of which extended over several square miles of partially occupied land. Although elsewhere the courts had not been invoked to any great extent to deal with these disputes, in Bhāndāriā the *bil* had been a sea of litigation. Here reclamation has made but slow strides and the centre of the *bil* is still an impenetrable morass which gives shelter to large herds of wild buffalo and larger herds of swamp deer. Although there has been little reclamation, there has been a great deal of speculation during the last forty years, since the reeds which grow abundantly in the marsh have had a ready sale. Sub-leases which were very numerous were never more than 40 years old, but a multitude of ancient leases were also produced in evidence, which purported to be granted by the zemindars of the pargana for land in the centre of the *bil* at pepper-corn rents, which often had admittedly not been paid. Tenants took care to secure their titles by procuring sub-leases from every possible claimant, while landlords on the other hand had not scrupled to grant several leases to different tenants for the same land. In addition to formal leases, over a hundred orders giving possession under the Criminal Procedure Code (sections 145, 146) were produced as title-deeds, although the boundaries were so vague as never to be identifiable, such boundaries as *bil*, "reeds"

and the like which would suit any portion of the marsh being very common. It appeared that these orders were passed at the subdivisional headquarters on oral evidence and without local enquiry, and their production during the course of the enquiry into the boundary disputes was not unnaturally greeted with guffaws by the assembled villagers, although the ancient leases got an undeserved meed of high respect. All the boundary disputes in the *Bhāndāriā bil* were disposed of by the Settlement Officer, who refused to record any lessee unless he could support his ancient lease or magisterial order with a show of effective possession in the *bil*.

Chit ārazis, which gave so much trouble in Bihar, gave no trouble in Bākarganj. They were included without objection in the village within whose perimeter they lay, ownership of the land remaining unaffected.

306. Most of the internal disputes were decided by the kanungoes and a few of the more difficult by the Assistant Settlement Officers. Many also were decided

Nature of internal disputes. by the Settlement Officer. Unfortunately no statistics of the nature of the disputes or of the results of their decision were kept at this stage or indeed at the later stages of attestation and decision of objections. The disputes were chiefly between tenant and tenant and related to the possession of plots, the position of *āils* or the extent of shares, but tenure-holders who coveted a piece of land in many cases put up tenants to claim on their behalf. The most troublesome cases concerned *niṣāmal* (separate) possession by co-sharers in large homesteads, when the contest was often hot over the gardens and tanks in a Hindu high-caste family. Equally difficult and very common were the claims by heirs who had left the homestead and perhaps the village, but who were by Muhammadan law entitled to a share in all lands, including those cultivated by the family which he or she had left. In the *bil* area, where boundaries are undefined by fence or ridge and inhabitants are turbulent, cases between tenant and tenant over the limits of their lands were fierce and frequent and very difficult to decide, as the population is but a handful and each family lives apart in an isolated homestead so that witnesses were to seek and decisions had often to be passed in the dark.

307. The variation in the number of disputes from thana to thana and village to village is very remarkable. Thus Nalchhiti thana had an average of 40 disputes a square mile, Bāuphal thana only 13. The village Charāmaddin with 6,191 plots had no disputes, whereas in the neighbouring villages of Charādi with 4,961 plots and Chhāgaldi with 1,045 plots, the disputes numbered 244 and 305 respectively. The explanation in the particular example is that Charāmaddin was dominated by one landlord who has absorbed the bulk of the tenures, while in the neighbouring villages rival land speculators have entered into a fight for the ownership of the village, both sides buying in as many tenures as possible. As each plot came up for *khānāpuri*, a dispute was filed, one side asserting that the plot falls within tenure *A* and is cultivated by *B*, while the other side maintained that the plot is within tenure *C* and is cultivated by *D*. After a few such disputes a village becomes utterly demoralized and, as Mr. Beatson-Bell remarked in his annual report, "the maxim adopted seems to be that all is fair in love, war and *khānāpuri*." There can be no doubt also that many disputes were merely unfounded claims by adventurers, of whom Bākarganj is full. Many of the smaller tenure-holders had no title-deeds and kept no collection papers. This was a favourable field for the landshark and the speculator, who claimed the subordinate tenancies of such tenure-holders as part of their own tenures and hoped to snatch a favourable decision from the lack of evidence or from the strained relations which frequently obtained between such tenure-holders and their tenants. Generally speaking, it was the middlemen who created disputes so that the number of disputes varies roughly with the amount of subinfeudation. Disputes were also less frequent in the estate of large landlords, who compose most of them when they arise, and very numerous in villages which are distributed amongst a large number of petty estates. In the Sāhābāzpur island, where the inhabitants are less litigious and there are few resident *bhadrālok* to foment quarrels, disputes were few. The idle and stay-at-home *bhadrālok* on the other hand will quarrel about anything and the disputes in their strongholds round Goilā (in thana Gaurnadi) and Banaripārā (in thana Swarupkāti) were excessive in

number, always fiercely contested, yet often based on trivial or trumped-up claims.

Attestation.

308. In attestation little change was made in the procedure handed down from Bihar. As in Bihar an Assistant Settlement Officer camped at a convenient spot with a band of clerks numbering from 6 to 12 and called in the surrounding villagers. Day by day his clerks made *bujhārat* (or preliminary explanation) of the entries in khewats and khatians after landlord and tenants were brought together. If errors were discovered in map or record they were corrected, but the sanction of the officer in charge of the camp was separately taken for each correction. The clerk then recorded the rent according to the statement of the landlord and the tenant. The subsequent proceedings were carried out by the attestation officer himself, to whom the parties repaired. He read out all the entries in khebat and khatian, satisfied himself of their accuracy, attested the rent if landlord and tenant were agreed and decided any dispute concerning its nature or amount when landlord and tenant differed. The officer then recorded the status of the tenant, whether tenure-holder, raiyat or under-raiyat, and, if a raiyat, to which class as defined in the Tenancy Act he belonged. He recorded also the duration of the lease, noted whether the rent was enhanceable and whether there were any other conditions peculiar to the lease decided all disputes on any of these matters in addition to any other disputes, which interested persons might bring forward, and heard appeals in matters which had been already decided at khānāpuri. He was not permitted however to make any decision in a dispute affecting possession of land without a local enquiry.

309. Attestation proceeded smoothly, but very slowly. Mistakes were brought to notice in plentiful measure and corrections were duly made especially in the tenure-trees, many of which had almost to be rewritten. It is more than doubtful if all mistakes were detected. Joint possession of plots under several tenancies was most difficult to deal with. It was not easily possible to collect all the joint owners, yet without the presence of all it must be doubtful whether the fractional share of each is correctly shown. Moreover the holders of such tenancies are not always very intelligent and they must often have acquiesced in what they did not completely understand. Equally easy too was it for mistakes in the map and the survey to escape notice. Tenants in Bākarganj rarely know the areas of their fields or holdings and the one map of the village in the camp was not available to all, nor could all have understood it. Many mistakes involving several thousand plots were no doubt discovered and corrected by despatching an amin to resurvey; but experience in Faridpur, where the original survey was certainly more accurately made, shows that a field-to-field examination reveals a considerably greater proportion of error than was corrected in Bākarganj. Corrections of the original map were not made in the attestation camp, as the map remained with the Survey Department and a trace on vellum only was supplied to the camp. Where correction was necessary, small traces on vellum of the plots affected showing the correction were sent to the Survey Department who made the correction in the original. This cumbersome procedure was much simplified by the issue to camp of photographic reproductions of the original in 1903 and afterwards. Several copies were obtained of which one was exclusively employed to show all corrections in all plots of the village. This was made possible by the introduction after many experiments of a new kind of paper which, while sufficiently strong to allow of the severe handling to which an amin submits it in the field, was transparent enough to allow of direct reproduction by the vandyke process.

310. Attendance at the attestation camps was good on the whole. In every village only a minority of the tenure-holders were resident, while the Bākarganj raiyat is fond of travelling and often holds land in villages at some distance from his home. The practice of sending substitutes to make *bujhārat* was also rather common. It was impossible to avoid attesting some of the khebats and khatians in the absence of those interested. There was however little wilful absence and

Obstruction in 1906.

no obstruction until the season of 1905-06, which began in the height of the political disturbances over the Partition. It happened that part of the attestation area lay in Swarupkāti and Jhālakāti, where political passions rose high and were directed to the breakdown of the settlement operations. An unquiet month followed in which the camps in those quarters were boycotted, processes were flouted and officers were hustled. The High Court orders deputing munsifs for one year's settlement training had just been issued and the first munsiff to join his camp was chased some distance by a mob of agitators. A more serious attack was made upon Mr Tindall, I.C.S., and the feeling ran so high that when Mr. Milligan, I.C.S., was bed-ridden with an attack of fever and had to be removed to Barisāl Mr. Tindall was compelled to cover his *palki* for some distance with a revolver. Later in the season there were disturbances at other camps, but as time wore on obstruction ceased. Towards the end of the same season very considerable scarcity began to appear. This had its effect upon attendance; and, as soon as the season was over, the officers of the department were placed on famine duty. They behaved with some credit and received the thanks of Government.*

311. In the same season an experiment was tried in the Sundarbans with a view to its adoption in Faridpur in the following season. Attestation in this area was carried through in the same year as khānāpuri. Before attestation a field-to-field *bughārat* (examination) was made by the kanungoes of the khānāpuri record. The *bughārat* was successful so far as it went, but it was stopped by early floods. The attestation was easily and accurately carried through, although many of the tenants had to be brought from their homes, as they only make a temporary *bāsā* (lodging) each year in their land in the Sundarbans. The result of both experiments was considered sufficiently encouraging to warrant a full trial in the following year in the district of Faridpur.

312. The progress of attestation was always unsatisfactory judged by Bihar standards, but subinfeudation was so complicated and the number of co-parceners so great that comparison with Bihar is not very fruitful. Every attempt was made to increase the outturn of the officers employed who worked indeed far into the night; every care was also taken, as the Settlement Officer in the first season reported,† “to make the record as simple as possible consistent with showing clearly the existing facts of the most complicated land system in the world. As regards the record of the shares of raiyats, no real difficulty is being experienced and the parties concerned are satisfied. The shares of raiyats are always recorded in Bihar. There however the practice is to record all the names and to note so many shares of equal size. This works well in a Hindu community, where the law of inheritance runs into equal shares; but in a Muhammadan community, where the law of inheritance tends to bring about inequality of shares, it is better to specify the shares of each possessor in annas, etc.” In compliance with a recent circular of the Board of Revenue deprecating too great minuteness in records-of-rights and with the criticism of the Director of Land Records,‡ the preparation of a list of tenants for each tenure-holder in which formerly the names of all co-sharers were entered was first simplified by the entry of the principal co-sharer only and then postponed to a later stage in the operations. The form of the khabat also was changed, and, where estates and tenures had land in more than one village the owners' names and shares were only entered in full in one village, the simplest abbreviations being made in other villages with a reference to the village where a complete entry would be found. These changes reduced the bulk of the village record considerably. Formerly the khabats alone in a village of any considerable size weighed over a maund. Progress however remained very slow. It was found that an officer could not attest the entries relating to more than 3,000 tenancies in a month, which

* No. 11260 C, dated 4th October 1907, from the Chief Secretary to Government to the Commissioners of the Dacca Division.

† No. 449 S., dated 27th March 1902, from the Settlement Officer to the Director of Land Records.

‡ See Inspection Report of the Director of Land Records, dated 16th December 1901, and description of action taken thereon in a similar report of 1st March 1902.

involved a cost of two annas for each tenancy. The record might indeed have been lightened in several ways, but at a great sacrifice of lucidity; and there were often other objections, thus merger was out of the question in view of local hostility. It was at one time proposed to record only the principal co-sharer amongst the raiyats in a joint holding. Such fiduciary abbreviation might have saved some labour and have produced little objection amongst the raiyats but, as it is the custom in civil suits in Bākarganj to make all co-sharers defendants, it was a great advantage for landlords to know authoritatively, all the tenants who were entitled to a share in the holding; in any case it would have involved a great sacrifice of completeness in a community living under the Muhammadan and Hindu laws of inheritance, and might have led to injustice in the future to those co-sharers with an equal title who had not been recorded. In two respects the record in Bākarganj was more cumbersome than the record in Bihar. A separate khebat very similar in form to the khatīān was opened for every tenure in a village, whereas in Bihar all

tenures were entered together in an abbreviated form in one khebat for the whole village. In

Bihar tenures are few and no confusion was likely to result from this procedure; but in Bākarganj the adoption of the Bihar system would have made the record unintelligible. It is difficult enough to make one's way through the existing record where all intermediate interests are clearly set forth in documents of their own, but it would have been impossible had the countless tenures of a village with their complicated relationship to each other been set forth in a single paper. In Bihar also the total rent of each tenancy was recorded and not usually the separate portions payable to such co-sharer landlord, as collected separately and gave a separate receipt. In Bākarganj the practice was to record both the total and its portions as collected. The amount of additional labour was not very great, while the result was very convenient to

the landlord and the tenant, to the tenant because a mere total would often have been unintelligible, freely. to the landlord because he had usually collected his

share of the rent separately so long that he had forgotten the existence of a co-sharer. The co-owners of many tenures, including even the smallest, have often little in common. They may be purchasers, living away from the village and each other, who have always treated their own share of the tenure as an independent tenure in itself. For all purposes it was far more convenient to them that their list of tenants should show not the total rent of the under-tenancy, but that portion of it which they were entitled to receive. In the granting of khebats it is possible that there was needless liberality. A separate khebat for each portion of a parent tenure, which had obtained the sanction of the landlord to independent payment of rent, was in accordance with the local theory that by such sanction a new tenure had been created. The theory had been accepted by the Civil Courts, which permitted suits to lie on this assumption. In all other respects also the separated share was treated as an independent tenure. The case of co-sharers to whom the landlord had not granted separation, but who dealt separately with their tenants, was different. Such tenure-holders were not entitled to a separate khewat, but they were permitted to receive it, when they had a sufficient number of tenants to maintain a staff for the collection of their rents. This was done purely for convenience and lucidity in the record and the rules did not contemplate that the cases would be numerous in which it would be granted. It was however so great a convenience to the co-owners that they pressed hard for their separate khebat. There is no doubt that some officers yielded too easily to the pressure and granted the khebat to petty landlords, for whom it was not intended and in respect of whom the record would have been as intelligible without it. It should be mentioned that such

The sub-number khebat.

khebats were only given a sub-number (along with the other shares of the tenure) and not an independent serial number in the record and showed clearly on their face that the rent was not separately payable, while status and other particulars of the tenancy were recorded only once, in the main khebat, in respect of all the shares for which rent was jointly paid. Another method by which the record might have been lightened would

have been to refuse separate *khebats* to assignments of the *mirās ijārā* variety. At one time this was considered, but the idea was finally rejected. Many assignments are practically permanent mortgages and it might have been possible to record them as such in the *khebat* of the proprietor or tenure-holder who granted them. As has been previously explained, they are locally regarded as tenures within the meaning of the Tenancy Act and as tenures they are more valuable to both lessor and lessee, to the lessor because he can recover the stipulated annual payment as rent, the leased property being liable to sale for default void of all encumbrances, to the lessee because his position in regard

to the under-tenants is definite and clear if he is a tenure-holder, but ambiguous if he is a mortgagee. It seems to be doubtful however whether an assignment, which is granted in respect of land in several distinct estates or tenures for a lump annual payment, can purport to be a tenure or should properly be recorded as such. Such assignments were not uncommon and the method adopted in recording them added considerably to the number of *khebats*, inasmuch as a separate *khebat* for the *mirās ijārā* was opened under each distinct tenure or estate with a proportional part of the whole annual payment as the rent payable. Such a division was rarely found in the creative document and, although it was recorded after arrangement between the parties concerned, it is doubtful if it has any legal value. The lessor in any case will probably sue for the rent of the assignment as a whole, ignoring the separate tenures into which it has been divided in the record-of-rights. As an extreme example of the working of the system, a *mirās ijārā*, which was created in favour of the late Mr. Brown of Barisal by his brother, may be adduced. It was entered as an under-tenure under all the tenures which they jointly held and more than a thousand *khebats* were opened to account for it.

313. It must be regretfully admitted that the staff employed in the camps did not behave very well. In several camps there was an organized attempt to reduce the output of each clerk so that more clerks might be employed in each camp. There was too much mechanical work, especially in the explanation of the fields recorded as comprised in each tenancy, while in some camps business was so ill-managed that parties were kept waiting day after day. There was undoubtedly a great deal of corruption, a fee being taken before *bujhārā* of any tenants' *khatīān* was begun, before mistakes in survey were corrected and before disputes were entered for decision. There were complaints in 1903, but misconduct increased with the progress of the operations and in 1905 it amounted to a public scandal. It was difficult to stop, as neither landlords nor tenants were willing to make specific complaints against any member of the staff or to admit that they had themselves given the gratification. An exhaustive enquiry was made into the conduct of one camp against which complaints were general. It was found that the clerks in this camp were ordering by value-payable post jewellery, clothes and other goods from European firms in Calcutta to the value of hundreds of rupees, had sent to their homes Rs. 2,000 by money-order besides larger sums by messenger and were in receipt by such gratifications of sums many times greater than their pay. The principal offender had made about four thousand rupees in this way in five or six months. Drinking bouts occurred in the

quarters of the clerks, which were shared with the agents of the landlord, and prostitutes were brought into the camp to vary the tedium of the night. The camp was disbanded and the clerks dismissed. Rules were issued for the stricter management of the work in the camps and for the prevention of the delays which made extortion possible. In later years much care was paid by all officers to prevent extortion, which considerably diminished. It has been found impossible in other districts to abolish it altogether and in Bākarganj the staff was naturally reluctant to lose their Eldorado. Corruption in the later days took a form very difficult to control, as the clerks made a combination with the agents of the landlords attending the camp, who collected the fees and divided them with the camp staff.

314. The entire area of which a survey had been made was attested, except villages which were uncultivated and uninhabited and the Barisāl town. There are five municipalities in Bākarganj, and the question came up early

whether they should be excluded from the record-of-rights as "urban area" outside the scope of the Tenancy Act. The Settlement Officer thought* that there was no legal obligation to exclude and proposed a full survey and record-of-rights in view of the fact that the estates and tenures with land in the municipality were not confined to the municipality and covered at the time of their creation agricultural land. The Director of Land Records† pointed out

that as the use of the word "land" in the Bengal Tenancy Act was confined by rulings of the High Court to agricultural and horticultural land, lands mainly urban in character would not be included in the notification for a record-of-rights under section 101, Bengal Tenancy Act. It was finally decided ‡ however that mauza Barisāl (R.S. No. 2026), which is in the centre of the town and consists exclusively of urban lands should only be excluded on this account. The Revenue Survey mauzas which contain the four other municipalities contain also much agricultural land and it was therefore impossible to leave them out of the operations. In fact Jhālākati contains only a big market and the others are really overgrown villages. A record-of-rights was accordingly prepared for them in the ordinary way.

315. A long correspondence then took place with the Chairman of the Barisāl Municipality, which began in February 1902 and ended only in May 1909. The Municipality agreed to pay § Rs. 291-8 for a map of Barisāl mauza (R.S. No. 2026), on the 32" scale and for a tenure-tree which should show

Nature of record in Barisāl Municipality. every grade of tenancy above the lodger. This tenure-tree differed from ordinary tenure-trees in showing the holdings of raiyats and under-raiyats as well as the tenures and in recording the rent of each tenancy. A khasrā was also prepared to accompany the map, which showed by a reference to the entries in the tenure tree the ownership of the plot and in addition also the name of any lodger and the rent paid by him.

The rest of the municipal area lay in the mauzas of Bagurā-Alekāndā, Sāgardī and Āmānatganj, for which a map on the 16" scale and a record-of-rights were prepared in the ordinary way. Copies of the maps of these villages were given to the municipality, which complained that the difference in scale between them and the 32" map of Barisāl mauzā caused great inconvenience, so Mr. Beatson-Bell, as Director of Land Records, ordered in April 1907 that a ward map of Barisāl municipality should be prepared by pentagraphing the existing maps on 16" and 32" scale into a uniform scale of 64". This process involves the chance of considerable error. The ward map was prepared in 70 sheets and 50 copies of each sheet were reproduced by the vandyke process, of which 10 were made over to the Collector and 40 to the municipality. Copies of the tenure-tree of Barisāl mauzā were also reproduced by the vandyke process.

The municipality all told paid only Rs. 391-8 for the special work done for them, which embraced Rs. 241-8 for the survey, Rs. 50 for the tenure-tree and khasrā of Barisāl mauzā and Rs. 100 for 40 vandyked copies of the 70 ward maps. They certainly got the better of the bargain, but the maps and records were no doubt of considerable utility to Government despite the probable inaccuracies of ward maps on the 64" scale.

316. The work of the attestation camp was the examination of the preliminary entries which had been made at khānāpuri, but the work of the attestation officer was more varied. He had to determine the status of the tenant and to record the incidents of the tenancy and the amount of the rent. If there were any dispute regarding either status or rent, it was his duty to decide it. In addition he heard appeals from the decision of the khānāpuri officers and

* No. 135, dated the 6th September 1902, from the Settlement Officer to the Director of Land Records.

† No. 397 T.—S., dated 10th October 1902, from the Director of Land Records to the Settlement Officer. Subsequent events in Dacca district in 1912 went to show that this view was probably erroneous and that a record-of-rights could be prepared for urban lands under Chapter X of the Tenancy Act.

‡ No. 100 T.—S., dated the 11th June 1903, from the Director of Land Records to the Settlement Officer.

§ No. 215, dated the 8th July 1903, from the Chairman, Barisāl Municipality, to the Settlement Officer.

disputes which arose out of any entries in the record. Disputes which had been decided at khāuāpuri and were chiefly in regard to the possession or the boundaries of fields and to the shares held by co-partners in a tenancy were not generally reopened by raiyats at attestation. They were content to accept the previous decision which had been made on the land in dispute. Tenure-holders and middlemen, especially of the *bhadralok* class, enjoyed the opportunity of further wrangling and reopened almost every case. The most bitter of these disputes was in regard to possession in gardens, tanks and homestead land. Several families lived within the bounds of these lands or on the banks of old tanks and divided the land and the gardens into minute plots amongst themselves. The division was often resented, and the present owners were glad of the opportunity to reopen the distribution. These cases were most difficult to decide. Independent evidence was often impossible to procure, as neighbours were not in a position to know the facts. There were no documents, and the ordinary members of each family stuck stoutly to their claims. If the old men or women of the family who could be trusted to speak the truth failed, the trying officer was in a most embarrassing position. Nearly every old *bhadralok* family enjoyed one or more of these disputes, which were extremely common in Goilā, Uzirpur, Banaripārā and similar centres. One of the most bitter of the disputes occurred in the famous Das family of Goilā, which the Settlement Officer himself adjudicated, as the camp officers were unwilling to incur the odium of a decision. In an older case of this kind the Baksis of Chāndkāti (Bāuphal thana) impoverished themselves by litigation concerning a single cocoanut tree in their garden. A brief account of some of the more interesting disputes which came up for decision during the settlement proceedings is appended, an attempt being made to supply instances of the more characteristic kinds of dispute. The last three extracts describe disputes, which had reached a final decision before the settlement operations began.

In mauzas Shekmatia (No. 194) and Mirzapur (No. 192 in thana Swarupkati) there is a haola Ramrudra Mandal, the existence of which is admitted by the landlords, who allege that it was created in 1800 for an area of 55 bighas in Shekmatia alone and at a rental of Rs. 100-14-6. Originally the land of the haola was scattered, but in 1861 Ramrudra Mandal took a compact area in exchange for the original land. In support of these allegations they produce chittas from 1801 to 1810 and an ewazuama (deed of exchange) of 1861. The haoladars allege that the haola was created in 1776 and that at a bundobust made in 1794 by the zemindar it comprised an area of 1,125 bighas in mauzas Shekmatia and Mirzapur and was rented at Rs. 105-8. In support of these statements they produce an unregistered patta and bundobust papers purporting to have been signed by the zemindar himself. The zemindars had some family quarrels in the year 1882 and assert that the haoladars took advantage of their dissensions at that time to increase the area of the haola. The haoladars on the other hand assert that the lands were originally swamp and jungle and that, as they were gradually reclaimed by the haoladars, the zemindars were envious that they had lost so valuable a property to a common cultivator. The dispute between the zemindars and haoladars concerning the boundaries of the haola and the amount of land included within it began before 1861, in which year some co-sharers amongst the zemindars sued the haoladars for rent on the lesser area, but withdrew the suit when the haoladars filed their patta and claimed the larger area. The zemindars then put pressure upon the tenants of the haoladar in the hope that they would forsake him, while the haoladar created a nim-haola over 325 bighas of land in favour of a relative as a safeguard in case of the loss of the haola and in 1872 sold half of the haola to the Narail zemindars for Rs. 400 with the object of securing a powerful ally in the quarrel. The Narail purchaser at once took kabuliyats and collected rents from the tenants in the disputed area. The dispute died down during the period in which the zemindars were quarrelling amongst themselves; and the tenants of the disputed area paid rent without objection to the haoladars. When the disputes amongst the zemindars were compromised they instituted a rent suit against the original haoladar ignoring the Narail purchaser and began in their turn to take kabuliyats from the tenants on the land. The tenants acknowledged each party in turn and paid no rent to either. In 1893 the haola and nim-haola were purchased by a third party as the Maudais had got tired of the continuous litigation and the Narail haoladar wanted to get rid of his stake in the haola which was distant from all his other lands or perhaps because he was bought off by the zemindars. The new purchaser applied himself vigorously to the work of getting possession of the haola by suing and evicting those tenants who were favourable to the zemindars. As the zemindars opposed his efforts, the village was for some time in a very disturbed state, riots with murder taking place. The land was accordingly attached and proceedings under section 145, Criminal Procedure Code, drawn up in 1900, when the Magistrate found possession with the haoladars,

an appeal to the High Court being dismissed. This did not end the struggle however as the zamindars still retained the support of some of the tenants. There were two more murders besides much other criminal litigation. Altogether in the 10 years which followed the sale of the haola in 1893 there were four murders, 40 or more cases besides minor occurrences and a deluge of rent suits. In 1902 the zamindars finally instituted a title suit for the disputed lands which was decided in their favour in 1905. The court held that the original unregistered patta produced by the haoladars was not genuine and that the haoladars had failed to prove 12 years adverse possession. The zamindars made no attempt to execute the decree as an appeal was filed to the High Court and they were afraid of being cast in mesne profits if the appeal was successful. They attempted however by a bogus execution of the decree to induce the tenants to pay rent to them. During attestation a large number of disputes were filed by the two claimants to the land, but as the documents and collection papers of both sides were filed in the Civil Courts and as the tenants had paid what rent they liked during the course of the disputes, it became extremely difficult to decide what the legal rent payable by the tenants was. During the course of this long quarrel the zamindars have on five occasions proposed to purchase the haola, although on each occasion the proposal fell through after the sale-deed was drawn up. It is interesting to notice that in not one of these five cases did the zamindars propose to purchase the haola in their own name, but on each occasion used one or other of their servants as benamidar.

Mauza Chalitabaniā (No. 184 in thana Swarupkāti) belongs to the Habibpur zamindari. A lease for 7 acres of land was granted to some cultivators of Pirojpur who afterwards sold it to the Dasses of Sohāgdal. The Dasses had no intention of limiting their claim to 7 acres and obtained a new lease, ostensibly in confirmation of the old lease, from a son of the zamindar (although his father was alive, in which the boundaries of the land were given as streams, of which the village contains about a hundred so that the land of the patta might have been anywhere and of any extent in the village. By virtue of this lease, which was not registered, the taluqdars began to expand their boundaries in every direction and although they met with opposition from the zamindars they were able to prevail chiefly by successful suits in the civil courts despite the fact that the marshy lands which they thereby secured had been reclaimed by tenants of the zamindar and that the Dasses had at no time any effective possession in them. Although they made many attempts, the taluqdars never succeeded in inducing the tenants of the zamindar to attorn to them. As measured in the district survey, the lands of this petty lease now cover 900 acres, of which 400 were obtained in 1865 and the remainder in 1906 by decrees in title suits. The method which has been employed by the Dasses to defeat the indisputable possession of the zamindars through their tenants is interesting. They have brought suits for arrears of rent against bogus tenants in the land occupied by the tenants of the zamindars. They have obtained decrees for arrears of rent, purchased the bogus holdings at a sale in execution of the decrees and then taken legal possession of the land through tenants of their own. The documentary apparatus was now complete for a direct assault upon the zamindar and was sufficient to win the title suits against him, although had the settlement occurred two years before and not two years after the second title suit was instituted, the issue might have been different. During a local enquiry in the boundary dispute it was found that the tenants of the zamindars were everywhere and the tenants of the taluqdars nowhere in possession, yet in contested civil litigation the Dasses of Sohāgdal were sufficiently clever always to obtain the victory and finally by two comprehensive title suits they had won the land on appeal in the High Court. It may be added that during the decision of the boundary dispute the Dasses of Sohāgdal appeared in person to state their case when they made no pretence to possession, but explained that "some landlords obtained possession through tenants and some through trickery, but the advantage of the second method was that it was far more useful in the Civil Court." The Dass claimant was a pleader in the subdivisional court.

In mauza Beluā (No. 311, thana Swarupkāti) there is a dependant jimba under the zamindari which was purchased by the Biswases of Jalabari forty years ago from the original Majhi owners. The Biswases here as elsewhere were on bad terms with their tenants who had recourse to the Narail Babus, who were rivals of the Biswases. The Majhis were sought out and a kabala executed by which they sold for the second time their haola to the Narail Babus and, on the strength of this purchase, the Narail Babus had induced many of the tenants to execute kabuliyats in their favour and to attorn to them. This was a pure case of jimba, but during the attestation proceedings it was not sympathetically regarded by the settlement authorities, and the Narail Babus' claim was entirely rejected.

In mauza Brāhmankāti (thana Swarupkāti), there was a dispute involving two landlords and two holdings. The dispute originated at the time of the thak survey when the

disputed area was measured as belonging to estate No. 3841, although claim was made on behalf of estate No. 3843 upon which no definite order was passed. It appears that at that time the Guhas of Ramchandrapur were in possession on behalf of tauzi No. 3443. On the strength of the thak map the Sarkels, who claimed under tauzi No. 3841, sued for a declaration of title in the civil courts through a *benamidar*, but they lost the case in 1867. Subsequently in 1893 a tenant of the Guhas sued for possession of some of the lands in the civil courts, but the thak map was held to be valid and he lost the suit. The civil courts thus passed decrees in favour of both the rival parties in respect of lands covered by the same chak in the thak map. There is no question that the land was in possession of the Guhas' tenants whom the Sarkels failed to persuade to execute *kabuliyats* in their favour. They therefore in 1892 got a *kabuliyat* executed by two men for all the lands occupied by the Guhas' tenants and then obtained a decree for arrears of rent against these men and purchased the fictitious holdings. In the meantime by means of a criminal case for paddy cutting they had got the tenants of the Guhas in jail. When the Sarkels came to take possession of the lands, the wife of one of the Guhas' tenants obstructed them and was assaulted, for which Sarkel and his men were convicted in the criminal court. In 1899 there was proceeding under section 10, Criminal Procedure Code, in the course of which the Subdivisional Officer visited the lands and found them in possession of the Guhas' tenants. Subsequently at the time of the settlement proceedings the Sarkels obtained the institution of a case under section 145, Criminal Procedure Code, which was decided by the Subdivisional Officer without local investigation in favour of the Sarkel tenants on the strength of the decree obtained by them against their bogus tenants. In obtaining possession of the land and driving out of the tenants of the Guhas, there were several assaults leading to criminal cases. As a result of these proceedings, the tenants of the Guhas who had been in possession of the lands for many years and had erected substantial homesteads were driven out and replaced by tenants of the Sarkels. At attestation no relief could be granted to them. This is an instructive example of how tenants suffer in the quarrels of their landlord.

In Naltonā thana Amtali, there were some interesting instances of the quarrels which can be caused by an unscrupulous zemindari agent. This man in two separate cases claimed as part of the taluq of his employer land which had been in possession of the tenants of other landlords for a long period and enforced the claim by collecting clubmen and driving out these tenants. This was one year before the settlement operations. When the matter came to the settlement authorities for decision he proceeded to kidnap the important witnesses, but his agents in this crime were convicted and sentenced to a long term of imprisonment. It was only with great difficulty that the trespassers who had been placed in the land could be induced to surrender it to the rightful tenants. In another case in the same village this same zemindari agent coveted the possession of some land belonging to one Amedali Dafadar, who lived in a distant village. He got hold of another man named Amedali, appointed him as his dafadar, took him to the Registration Office, and executed a *kabala* for the coveted land in his name and under his signature. Thus fortified with a title deed he went off with his clubmen to the land and drove out the real Amedali Dafadar. In this case also the settlement authorities induced the trespassers to surrender the land.

In mauza Sohāgdal (No. 310 in thana Swarupkāti) and 49 other villages in Pirojpur subdivision there is a jimba Prannath Indu which was originally created by the Ghosal family of Bhukailash when they purchased a large share in Selimābād zemindari and were unable to get possession. Prannath Indu who was an influential man of Sohāgdal was appointed as Naib and after several years of ruthless intimidation by means of lathials compelled the tenants to recognise the purchaser, obtaining in reward this large jimba at a nominal rental of Rs. 1,456-12-6. Subsequently Prannath failed to pay rent and insulted the *dewan* of the proprietor who came to collect it, whereupon the *dewan* arrested him and carried him off in his boat; but the tenants of Sohāgdal rescued him before he reached Jhālakāti. In revenge for this the *dewan* took a large force of lathials, destroyed the houses of the Indus and looted their moveable property. Since this event the Indus have never paid rent except under compulsion of a civil court decree; and although on several occasions the jimba was sold for arrears of rent, the Indus always succeeded in having the sale set aside until 1852 when the Sen Mahalanabis of Bāsandā purchased it in the name of Manik Chandra Dās. On this occasion the suit filed by the Indus to set aside the sale was dismissed and possession was taken of all the villages except Sohāgdal and Karfā. In Karfā the Biswasas of Jalabari were instigated by the Indus to claim an osat taluq and compelled the Sens to sue in the civil court for possession of the village, only acknowledging failure after the case had gone on appeal to the Privy Council. Even then the Sens did not feel themselves strong enough to oust the Biswasas with whom they made a fresh settlement at an increase of rent and

a sufficient selami. In Sohāgdal itself the Indus set up an osat taluk, compelling the Sens to institute a civil suit for a declaration that the osat taluk was fictitious. In due course the High Court declared the osat taluk fictitious and gave the Sens possession, but although they induced many of the tenants to execute kabuliats in their favour, the most important of the subordinate tenureholders were persuaded by the Indus still to resist. The Sens therefore sued the Indus for wasilat (mesne profits) and obtained a decree in execution of which they attached three other valuable taluqs belonging to the Indus. The Indus at last stood for compromise and were allowed time, of which they took unfair advantage by selling these taluqs, partly to a *benāmidār* of their own and partly to a *benāmidār* of the Biswases of Jalabari, and by inducing a large number of tenants to come over to their side and refuse rent to the Sens. When the Sens in due course put up the other taluqs for sale, they were only able to obtain possession after a long litigation with the Biswases which ended in the High Court. Hitherto the Sens had transacted all their business in the *benāmi* of Manik Chandra Das, but they now by a fictitious purchase transferred his property to themselves. This gave the Indus another opportunity as the Sens now came down to get kabuliyats executed by the tenants to them in their own name. On this occasion the tenants were taken by the Indus to the Narail Babus to whom they sold their tenures and holdings, obtaining subordinate leases in exchange; but this attempt to embroil the Sens with powerful outsiders failed, as they induced the Narail Babus to withdraw their claims. The Indus then purchased the holdings and tenures of the tenants themselves and in the *benāmi* of the Ghoses of Sohāgdal. The Sens countered this move by suing all the tenants for arrears of rent, bringing their tenancies to sale and purchasing them and by suing the Indus themselves for enhancement of rent upon the land covered by their residences and obtaining a decree in the High Court for a rent of Rs. 2 a bigha and the establishment of the Indus as *karsā* tenants. By 1889 the tenants were beaten, most of them being half ruined, while the Indus also gave way after this last humiliation. In the terms of compromise arranged the Sens took the leading man of the Indu family into their service and ultimately built a house for him and gave him a pension. The property at present is valuable, but although originally it cost the Sens only Rs. 7,500, it cost them ultimately over 2½ lakhs of rupees in litigation before they obtained undisputed possession.

In Barajukholā (mauza No. 238 in thana Pirojpur) the zemindar gave a lease in 1866 to a talukdar who attempted to enhance the rent. The tenants refused to pay the enhancement and sold their holdings to some powerful *bhadralok* of Ra'erkāti, alleging them to be tenures. They then took fresh leases of the land as raiyats from these jimbādars. The struggle between the zamindar's lessee and the jimbādars lasted for eight years, and during its course a second jimbādār was introduced by the tenants in the same way as the first. During the course of these eight years civil suits and criminal cases were alike numerous, upon the prosecution of which both sides spent large sums of money. Ultimately the jimbādars entirely drove out the lessee, but the tenants who had enjoyed their lands without the payment of rent to anybody during the course of the disturbance remained very turbulent; and the village was not pacified until a marriage had been arranged between the families of the jimbādars and the lessee.

In Chunnakhāli (Nos. 2934 and 2935, thana Amtali) the patni taluqdars granted 4 haolas to Muhammadans when the land was still forest at a rent of 8 annas a bigha. The haoladars reclaimed the whole village with the aid of their nim haoladars. The taluqdar then demanded an enhancement of rent, although the original rent had been fixed in perpetuity. Three haoladars sold their haolas to the powerful zemindar of Kalaskāti and took subordinate tenures under him. This defeated the attempt of the taluqdar to obtain an enhancement of rent as he could not cope with the Kalaskāti zemindar. The Kalaskāti zemindar however was not content with his three haolas and, as the owner of the fourth was not prepared to sell, he forged a *kabalā* (sale-deed) and attempted to take possession of the haola on the strength of this forged *kabalā* by civil suits and by intimidation. Unsuccessful in this, he made proposals to the taluqdar and, in return for the surrender of the forged *kabalā* to the taluqdar, he was secured in the possession of the three haolas. The taluqdar then compelled the haoladar of the fourth haola to give him an osat haola under the haola on threat of suing him in the Civil Court for possession of the haola itself on the strength of the forged *kabalā*. The haoladar unable to meet the expense of the threatened litigation was compelled to fall in with his demand and abandoned the village, in which course he was followed by many of his nim-haoladars. The patni talukdar thus gained that increased profit from his taluq which when it was forest he had covenanted to forego.

317. Status interested the population very little. Every tenant knew whether his interest was a *karsā* or a *hakiat* and, as the identification of *hakiatdār* with tenure-holder and *karsādār* with raiyat was adopted from the

beginning, the attestation officer had rarely any dispute to decide or uncertainty to dispel. All the modern tenures were created by registered lease, of which the terms, despite the variety in designation were with few exceptions identical, the lease being permanent, the right heritable and transferable and the rent fixed in perpetuity. There were occasionally found permanent tenures of which the right of transfer was barred by a condition in the lease: there were also tenures, known as *basati*, in which there was a condition of residence. Both are most frequent in the Idilpur pargana. In the temporarily-settled

area the rent was not of course fixed in perpetuity, although tenures were usually permanent and always heritable and transferable. In the permanently-settled area in the Sundarbans there are also tenures held at a progressive rental, but usually when the maximum mentioned in the lease is reached the rent is fixed in perpetuity. These cases were the exception and in all of them the unusual provisions are explicitly mentioned in the registered lease. Few owners of the older tenures in Bākarganj however could produce their leases and probably one-half of the tenures in Bākarganj are held without a written lease or if there were a written lease, as is often probable, it has subsequently been lost. It was decided by the Settlement Officer (Mr. Beatson-Bell) that these tenures should be classed as permanent and transferable and that their rent should be recorded as fixed in perpetuity, unless the contrary were proved. This decision followed local custom. The term "*mokarari*" (holding at a fixed rent or a fixed rate of rent) is not in use in Bākarganj, but the term "*kāimi*" is used in its place to import the permanency not merely of the lease, but mainly of the rent. Permanent tenures at a fixed rent were recorded in the record-of-rights as both "*chirasthāyi*" and "*kāimi*," *chirasthāyi* indicating permanence in time and *kāimi* indicating permanence in rent. No landlord ventured to challenge this decision for the first three years of attestation in the face of a usage so well established, but it was once challenged in the fourth season by the agent of the Nawab of Dacca, who had come from Bihar, on the ground that the rent of the tenure-holders in his Telikhāli mahāl had been enhanced forty years before when the Nawab had purchased the taluk at an auction sale for arrears of rent. The claim was decided against him on the ground of local custom and he did not contest the decision subsequently either under section 106 or in the Civil Courts.

318. In one respect only was the Attestation Officer in difficulty in determining the status of a tenant. This was when a member of the non-cultivating classes or more particularly a *bhadralok* held a *karsā* tenancy. In many cases of this kind the *karsādār* was the agent or the relative of his landlord; in other cases there was no lease and the origin of the tenancy was doubtful: but in a large number of cases the *bhadralok* had purchased the tenancy from a cultivator and the landlord had recognized him on payment of a fine with or without a variation in the rent and with or without the execution of a new *kabuliyat*. During the early stages and at attestation tenants of this kind pressed to be recorded as tenure-holders. The rule framed to deal with cases of this kind ran as follows:—

(1) If a *bhadralok hakiatdār* claims to have acquired a *karsā* within his own *hakiat* and claims that his tenants are under-raiyats, the matter should be entered in the dispute list, whether the tenants have or have not raised an objection. Government should be made the first party and the *hakiatdār* the second party.

(2) If any other *bhadralok* has been receiving *karsā* rent-receipts for land which does not contain his family homestead and which has been sublet to raiyats, the *bhadralok's* interest being purely a middleman's interest (*madhya swatwa*) should be entered in the tenure-tree under the title of *jote*. The cultivators should receive *parchās* as raiyats and not as under-raiyats. The *bhadralok* and his landlords should be informed that the existing incidents of the *bhadralok's* tenancy will not be affected by this: they will be duly recorded at attestation. If the so-called *karsā* has been transferable, the *jote* will be recorded hereafter as transferable; if the so-called *karsā* has been untransferable, the *jote* will be recorded hereafter as untransferable.

(3) If a *bhadralok* has been receiving *karsā* rent-receipts in respect of land, which contains his family homestead, he may be considered as a raiyat, even though the rent-receipts cover cultivated land sublet to cultivators. He will secure a raiyati *parcha* and the cultivators will receive under-raiyati *parchās*.

The first part of this rule had reference to section 22 of the Bengal Tenancy Act, by virtue of which a landlord cannot acquire an occupancy right within his own land. In accordance with the law therefore the khatīān of the landlord was cancelled and the former under-raiyat was recorded as a raiyat under the landlord. As regards the two latter parts of the rule, the procedure at attestation was as follows:—the *jote* was recorded as a permanent tenure and the *bhadralok jotedār* as a permanent tenure holder and his under-tenants as raiyats. If the rent was not admitted or proved to be fixed in perpetuity, it was recorded as “enhanceable as in the case of a holding” (*karsā ānuruḥ briddhirjogya*); if the right was admitted or proved to be transferable, it was recorded as transferable.

319. No objection to this procedure was taken at the time by any of the parties concerned. The cultivator, in whose interest the rule was framed, was naturally pleased to be classed as a raiyat; the *bhadralok* for his part was eager to get the status of tenure-holder and considered that it was in practice immaterial whether his tenant was classed as a raiyat or an under-raiyat; the landlord was quite willing to accept the *bhadralok* as a tenure-holder provided all of the incidents of his tenancy remained unchanged. But afterwards in the temporarily-settled area where a large number of these *jotedars* are to be found and in other districts where tenure-holders are not so common, there has been great opposition to the rule. Where a new tenancy has been created in favour of a *bhadralok* or where the origin of the tenancy is unknown, it is reasonable to classify a tenant who has always sublet the land as a

Subsequent objection. tenure-holder and not as a raiyat; but where the tenancy has been purchased and the consent of the landlord obtained to the continuation of the old tenancy, section 5 of the Tenancy Act would appear to show that the purchaser remains a raiyat, whether he sublets the land permanently or cultivates it himself. Whether this was the intention of the legislature is another question; probably it was not contemplated, as would appear from the provisions relating to under-raiyats, that middlemen would acquire raiyati holdings.

320. In Bākarganj the procedure was challenged in the temporarily-settled area at the time of settlement of rents; but as this was after attestation had been completed in the permanently-settled area and final publication had in most villages taken place, the orders passed could only be applied to some part of the temporarily-settled area. *Jotedars* were numerous in this area. In fact the designation “*jote*” had been borrowed from temporarily-settled estates, whither it had been imported by previous settlement officers, who came from other districts where the designation was in use as a general term equally applicable to tenures and holdings. It is not an indigenous Bākarganj designation and was not in use in the permanently-settled area. The force of the

Position of the *jotedar* in temporarily settled estates. objection to the classification of *jote* as a tenure in the temporarily-settled area came from the methods adopted in assessment and it is significant that the first to complain were large money-lenders, who carried an appeal to the Board of Revenue in which they were successful. The Board remarked:—

“That in deciding as to the status of tenant who have acquired their tenancies by purchase, regard must be had primarily to the status of their predecessors in title and that no change can be legally made in the status except by consent of all parties concerned.”

Subsequently the legal position of *jotedars* was more carefully scrutinized and they were either recorded as “raiylats” after safe-guarding as far as possible the interest of cultivators or, where they agreed, were recorded as tenure-holders on favourable terms of assessment. In truth the position in the temporarily settled area was compromised by the proceedings in previous settlements, where in *jāmābandis* or in records of rights the *bhadralok* tenants had been recorded as “occupancy raiylats” and had very carelessly been granted leases in the printed form “for issue to occupancy-raiyats.” Such leases have been granted sometimes to zemindars and talukdars of very extensive areas and often in lands which were accretions to riparian tenures, where the law which secured the accretions to the tenure-holder provided that

he should have therein the same rights as he enjoyed in the lands to which it was an increment. To give such occupancy-raiyats the status of tenure-holder was in fact to restore to them their legal status, of which they had been deprived by the proceeding and leases of previous settlements. No such formal proceedings had taken place in the permanently-settled area to vitiate the classification of the *bhadrak* as tenure-holder and in most of the jotes in that area there was neither lease nor other documentary evidence of the origin of the tenancy so that the classification which is at least in accordance with common sense may escape challenge.

321. In the classification of raiyats no interest was generally shown. All raiyats were recorded as settled raiyats of the village by the Attestation Officer, unless the landlord objected which was rare or the tenant objected which was rarer still. Although attestation officers explained the difference in the classes, the entry was not regarded as of importance by either landlords or tenants. As a result attestation of all raiyats as settled raiyats of the village became a mechanical duty in most of the camps. No doubt the great majority were

correctly classified, but there must have been many purchasers who were really occupancy raiyats and not settled raiyats of the village and some new-comers who were in law non-occupancy raiyats. The non-occupancy raiyats recorded are chiefly to be found in the temporarily-settled area, where more attention was given to classification; but cases afterwards came to notice even here in which tenants of new *chars* who had held for less than the statutory period of 12 years were classified as settled raiyats. In *char* lands which have formed since the Revenue Survey there is apparently no village [Bengal Tenancy Act, section 3 (10)] until the Collector has declared the land to constitute a village—which he has never done in Bākarganj—and there cannot be a settled raiyat without a village. Strictly speaking, such raiyats, if entitled to the occupancy right are occupancy raiyats and not settled raiyats, although the difference in position of the two classes is immaterial. In the reclaimed forests of the south and in the marshes landlords might have used provisos (i) and (ii) to section 178 of the Tenancy Act to prevent raiyats who had not held their lands for 30 years from being recorded as settled raiyats or occupancy raiyats; but either from ignorance or apathy no attempt to use the provisos was made. All recent tenancies have been created in Bākarganj after payment of a large *selāmi* (bonus) with the intention expressed or implied that they should be permanent. The law does not provide for such a circumstance. Such tenants

In difference of landlords and tenants

have clearly a contractual right of permanent occupation, if they have not a legal right of occupancy. In the Sāhābāzpur island, where the Record-of Rights prepared in the Dakhsin Sāhābāzpur Estate and in some large temporarily-settled mahals had familiarized landlords and tenants with the legal classes of raiyats and the privileges of each class, more attention was paid to classification than elsewhere. In the rest of the district the general indifference is hard to explain. In the south where eviction is not infrequent and where an occupancy right might often have been denied under section 178, provisos (i) and (ii), the apathy of landlords is remarkable, unless it was due to ignorance.

322. Generally speaking, there was no claim by raiyats to be recorded as “rai-yats holding at fixed rent or rate of rent,” nor was there any attempt to plead the presumption afforded by the proof of 20 years’ payment of a uniform rate under section 50 of the Bengal Tenancy Act. Only 2,150 “rai-yats holding at fixed rates” were recorded. This was no doubt

Absence of claims for fixity of rent due to ignorance.

due to the ignorance of the existence of this provision of the law, which the attestation officers, who generally do not sympathize with the provision, perhaps did not make any great effort to dispel. There was much in the customs of the district to create this ignorance. Fixity of rent is regarded as the privilege of the tenure-holder which many cultivators had obtained by paying for the conversion of their holdings into tenures. Most of the *mirās* and *kāim karshās* in the district are converted holdings, the land of which is entirely or chiefly cultivated still by the owner. In all such cases a fresh lease was granted at the time of conversion, which set forth clearly the new rights of the

cultivator, including the right of transfer which almost invariably accompanies the fixity of rent. The existence of these converted raiyats undoubtedly created the impression that there could not be a raiyat holding at a fixed rent or fixed rates and that the rent of ordinary raiyats or *kars/ādārs* was enhanceable. In the larger part of the district the presumption would not perhaps in any case have assisted the raiyats, as the holding must have been created after the Permanent Settlement, when at least half of the area now under cultivation was either forest, marsh or river. There can however be no doubt that the northern thanas were in a high state of cultivation long previously and it is perhaps surprising that in the Sadar Subdivision and in Pirozpur and Bāuphal thanas the presumption was not pleaded. Certainly many raiyats holding direct from the zamindars of Chandradwip round Mādharpāsā, the headquarters of the old Chandradwip Rāj, could have pleaded the presumption; and it is very doubtful if their landlords would have been able to rebut it. I have no doubt similar cases abound in the old parts of Gaurnadi and Nalchhiti, especially near the larger family seats. In Jhālākhati it is certain that the Bhukailash Rāj repeatedly made general enhancements which they could probably prove; but in the areas held by their *shikmi* talukdars and in the other parganas rents occasionally rule low and the presumption might possibly be pleaded. Rents are however with some exceptions too high to warrant the assumption that they have not been enhanced. A rate of Re. 1-8 a bigha, which is the general average of the district, is probably considerably larger than most cultivators paid at the time of the Permanent Settlement. However this may be, the raiyats showed no disposition anywhere to claim the benefit of the presumption, although after the Record-of-Rights was finally published, it was claimed frequently and with success in proceedings under section 105. This was so much the case in the Sāhābāzpur island that one of the trying officers wrote: "In the whole subdivision almost all raiyati holdings have been recorded as *sthi'ibān* (i.e., settled raiyats), even though in several cases rent receipts of 100 years (showing uniform payment) were in possession of the tenants and rent receipts of more than 20 years were in evidence in the majority of the cases. The result has been that quite a large number of entries of *sthi'ibān* in the record has been proved to be *mākara'i* in all the camps."

323. During attestation it was found that landlords had rarely suppressed the existence of raiyats except when they held at produce rents. In such cases the omission was often repaired at attestation.

324. In the Sāhābāzpur island, but not elsewhere, there were many instances of part-sale of holdings, one or two fields out of the holding being sold. Usually no attempt had been made to obtain separation from the landlord and the entire holding was still liable for the rent. The system was locally known as *khanda kharid*. A separate sub-khatian with a sub-number and not a full number was opened for the purchased portion, but rent, status and the incidents of the tenancy were recorded only in the main khatian.

325. Under-raiyats were a numerous body, especially in the Sāhābāzpur island, where under-raiyats of the second and third degree are found. Their title is usually permanent and heritable and in Sāhābāzpur it is even transferable. Temporary leases were very rare. The Bengal Tenancy Act does not appear to contemplate that raiyats will lease their hands otherwise than for temporary periods or from year to year and probably for this reason no protection apart from section 48 is extended to under-raiyats. This omission makes the position of the under-raiyat in Bākarganj very precarious. He has paid *selāmi* for his land and is regarded as a permanent tenant, but he is legally at the mercy of his landlord, if he decided to evict him.

326. No claims were made by proprietors to *zirāt* or private lands and no land was so recorded. Tenure-holders of the *bhadralok* class sometimes claimed lands leased on a produce-rent as *khās khāmār* and in Gaurnadi and Mehendiganj, where such lands are most common, they generally allude to the land amongst themselves as their *khāmār* land. Under section 122 of the Bengal Tenancy

Act only proprietors paying revenue can have *zīrāt* or *khāmār* lands so that the claims of tenure-holders could not be entertained.

327. In the case of holdings no entry was made in the *khatīāns* with regard to the right of transfer, unless the right was explicitly granted in the lease. An exception was however made in the case of Government estates, for which a rule was framed directing the entry of "transferable" in all *rai-yati* holdings in estates of which Government was the proprietor on the ground that such transfers were as a matter of practice always recognized by the local *Khās*

Transferability of holdings.

Mahāl Department. It would perhaps have been better if no such entry had been made or in any case had been confined to settled and occupancy *rai-yats* in the village. The practice of the *Khās* Mahāl Department had been uniform for 15 or 20 years during which transfers of all classes of holdings have been recognized without objection not only in Government estates but also in such private estates as were managed *khās* owing to the recusancy of the proprietor. But this practice had not the authority of Government or the Board of Revenue behind it, as the only order traceable on the subject is limited to the Sundarban mahāl of Tushkhālī, of which the circumstances were peculiar and which was not included

In Government estates.

in the present operations. Previous to this order transfers were not allowed apparently in any estates; subsequently they were allowed in every case. The length of time during which they were allowed and the absence of proper authority for the practice do not justify the belief that any local custom or usage could have grown up. The rule was framed in such general terms that the entry of "transferable" was also made in the case of non-occupancy holdings, although there can be no question that the right of transfer is a vicious incident of tenancy in waste land, when colonization is being attempted, as it introduces the speculator who is a drag on the progress of reclamation. The attestation officers erroneously applied the rule to private estates managed *khās*, where the entry was not necessarily correct, as without the consent of the proprietor Government would not be in a position to allow of a practice of this nature to grow into a binding custom. In the permanently-settled area no entry regarding transferability was ordinarily made in the *khatīāns*, whether there was or was not a local custom in its favour; but the usage obtaining in each village or estate was entered in the village note prepared for each village by the attestation officer. It is to be feared however that officers came to such different conclusions from the same facts that the entry in the village notes is not of much value unless it is detailed. Statistics of transfer were prepared for the preceding ten years, but these were certainly very incomplete. They show that transfers were far more frequent in the Sāhābāzpur island than in the rest of the district; but they do not lend any support to the theory that holdings are freely transferred, as the greatest number of transfers recorded in any thana was one in every three years in each square mile. In Sāhābāzpur moreover where the cases were most numerous (despite the exclusion of a fifth of its area from the operations) there are extensive *khās* estates in which

Elsewhere.

transfers have certainly been more frequent than in the permanently-settled area. It is freely said that holdings are transferable by the local custom of the Sāhābāzpur island and this statement is to be found in the report on the settlement operations in Dakshin Sāhābāzpur.* There are however estates in the island in which transfer is not permitted and in which no transfer occurs and there are many other estates and tenures in the island in which although transfer takes place, the purchaser is not recognized by the landlord without the payment of a bonus, when a fresh *kabūliat* is sometimes executed and the rent is sometimes varied. It is therefore only an inaccurate generalization to say that holdings are transferable. If this is the case in the Sāhābāzpur island, it is much more the case in the rest of the district. No custom or usage can be said to prevail throughout any thana or any tract within a thana or with a few exceptions throughout any village. Each landlord, which means each tenure-holder, has his own practice. In some estates, Idilpur is an example, the sale of holdings is

* Paragraph 77.

so far forbidden that it does not occur. Probably this is the case also in individual tenures which belong to a determined landlord. In the great majority of estates and tenures transfers of holdings occur, but the purchaser is only recognized by the landlord on the payment of *selāmi* with or without a fresh *kabuliāt* and with or without a change of rent. In many of the petty tenures transfers occur without *selāmi*, but this is probably because the tenure-holder is too weak to exact it and not because he has waived his claim to it. Where holdings are transferred, I imagine that the raiyats would in principle admit the right of the landlord to a transfer fee, but whether they would admit the right of the landlord to annul the transfer is another question in regard to which no evidence is available. In one respect the practice of the district is uniform, as no landlord has ever sued for the ejection of a purchaser who has not obtained his recognition. In the present state of the law on the subject (which is so uncertain that the High Court have addressed Government on the necessity of its amendment) it is impossible to say whether the practice of permitting transfers but insisting on formal recognition amounts to a local custom or usage of the transferability of holdings.

328. The rights respecting trees were also entered in the village note and not in the *khatīāns*. In a district in which agricultural well-being so greatly depends upon orchards

this was an important matter. The customary rights are the same in every part of the district. The tenant in physical possession of the soil, whether tenure holder, raiyat or under-raiyat, has an absolute right to plant and to cut, to the fruit and to the timber. The right of the tenant was never openly challenged by any landlord, although it is understood that the Bāuphal estate put forward a claim to the timber and denied the right to cut. Leases are not wanting however which contain conditions restricting the right to cut and to take the timber; but the condition is not operative and there is no question that an attempt by any landlord to restrict the rights of his tenants generally to the trees would provoke vehement opposition. Extortion of *abwabs* and fines is so general that there are no doubt occasional instances, when an individual tenant has paid a fee to cut a tree and take the timber or a fine for having done so; but such instances are lost amongst the host of cases where trees are cut without permission and without penalty. In Āmtali thana where an occasional tree of fine proportions has been left unfelled at the time of reclamation, it is usual for the talukdar to protect the tree as a landmark and, if it falls, to claim the timber. Apart from this comprehensible exception, the right of the tenant in physical possession of the soil to the trees which grow upon it is absolute and unconditional.

329. In the record of the road and public works cess there was some variation from the procedure followed in Bihar. The attestation rules as originally framed contained no provision for the entry of these cesses; to which the Director of Land Records took exception* relying upon rule 17 of the Government Rules under the Tenancy Act, which were then in force. The Settlement Officer replied in a letter† which explained the difficulty of recording these cesses in the circumstances of the district. There was no difficulty in the case of raiyats, as the cesses are calculated upon the rent, which it is the duty of the attestation officer to record; but in the case of tenure-holders the cesses are based upon a valuation, which had been made in Bākarganj in 1874 to 1877, of the profit which accrued to them from their tenures. This valuation was not only out of date, but one half of the tenures in the district escaped, while all tenures paying a rental of less than Rs. 100 were valued summarily and only 23,330 tenures on returns. The cesses legally payable by tenure-holders were the cesses calculated upon this valuation, but as a matter of fact the valuation had never been properly published in the district so that the tenure-holders were ignorant of the correct demand and were universally paying by arrangement with their landlords at a rate of $2\frac{1}{2}$ annas in the rupee upon their rent. The cesses which the majority of tenure-holders were actually paying were therefore not the legal amount and should not be recorded in the record-of-rights; but

* Inspection Note of the Director of Land Records, dated the 15th December 1901.

† No. 115, dated 5th September 1902, from the Settlement Officer to the Director of Land Records.

on the other hand it would have been difficult, if not impossible, to identify the tenures shown in the valuation papers owing to difference in the treatment of separated shares, while in any case half the tenure-holders would not be found in the valuation papers at all. The alternatives which remained were either to make a new valuation on the information contained in the record-of-rights, which would have been a formidable task and to record the cesses calculated upon that valuation or to omit record of the cesses altogether in the case of tenure-holders.

330. Ultimately the Board of Revenue directed:—* “In the circumstances so fully represented by Mr. Bentson-Bell no attempt should be made to compute and record the cesses payable by the tenure-holders. The cesses payable by the raiyats only will therefore be entered in the record-of-rights.” It only remains to add that the Cess Act defines a “holding” as “land held by a cultivating raiyat,” a definition which the Settlement Officer interpreted as excluding “rai-yats” as defined in the Tenancy Act who have sublet all or any of their lands and as including all tenure-holders on the one hand and all under-raiyats on the other hand who cultivate their lands or have sublet none of them. The cesses legally payable were therefore entered in the khebats of all tenure-holders and in the khatians of all raiyats and under-raiyats, who had not sublet any of their lands.

331. The entry of rent led to comparatively few disputes in Bākarganj. As in most of the tenures the rent was fixed in perpetuity, there was no occasion for any illegal enhancement and there was very rarely any dispute about the amount of such rent. In the case of under-raiyats also disputes were infrequent. Section 48 of the Bengal Tenancy Act limits the rent demandable from an under-raiyat to 50 per cent. more than the rent of his raiyat landlord, but by High Court rulings the section is not applicable where the land held by the under-raiyat covers a part only of the holding of the raiyat. This was the case with the majority of under-raiyats’ holdings. It was therefore only occasionally possible for the attestation officer to apply the section and, as the average rate of rent paid by the under-raiyats in the district (Rs. 7·3 per acre) is not 60 per cent. more than the average rate paid by raiyats (Rs. 4·8 per acre), it is probable that the need to apply it was not very frequent. There was more dispute in regard to the rent payable by the raiyats. There was in the first place a considerable number of isolated disputes about the amount of the rent, when no written lease had been executed. As the landlord in these cases was often a petty middleman who kept no proper papers of collection, such disputes were often troublesome to decide, although they offer no points of interest. There were no disputes of this nature involving a large number of tenants in which the legality of the rent claimed was not also in issue. In the second place there were the contentions concerning the legality of the rent and in the third place the question of commutation, because the attestation officer has two duties to perform in connection with the rent of settled and occupancy raiyats, inasmuch as when rent is paid in kind he has on application to commute the rent into a money rent and when rent is paid in money he has to satisfy himself that it contains no illegal enhancement and is therefore the rent legally payable.

332. No statistics were kept of the amount of commutation done in Bākarganj. It is certain, however, that it did not involve tenancies comprising more than 5,000 acres. The area held on produce rents in which no application to commute was made covers 66,850 acres, so that the commutation proceedings affected only about 7 per cent. of the total area paying rent in kind. The landlords of this small area raised an exceedingly bitter cry, and in the event commutation became one of the scandals of the operations. Isolated cases of commutation occurred in every thana, but the cases were only numerous in two, Gaurnadi and Mehendiganj. Much of the area held at a rent in kind was situated on the fringes of the marshes, where a crop depends upon the extent to which water subsides in the dry season and rises again in the rains and where in

* No. 289 A., dated 7th November 1902, from the Secretary to the Board of Revenue to the Director of Land Records.

some years there may be no crop at all: rent in kind on the *burgā* system in which the rent is a portion of the crop is therefore suitable to this area. Some of the land held on a produce rent is held of a cultivating tenure-holder in small plots which he finds it inconvenient to cultivate. In such cases ploughs, cattle and seed are often supplied by the tenure-holder. In Gaurnadi however and to some extent in Mehendiganj, the landlord is a *bhadrālok* and has let the land at a rent in kind to supply rice for his household. Investigations into the history of these lands go far to prove that in these tracts produce-rents are very modern and have arisen as a result of the increase in the price of rice since 1870. Petty landlords found it difficult to buy their rice and turned to their tenants to supply it; then some, not content with supplying their own wants, set up a trade in paddy. Where there was land available it was leased at a produce rent; but in many cases existing money rents were converted arbitrarily into produce-rents, thus if a tenant was in arrears or owed money to his landlord, the debt was not collected by suit, but the tenant was told to pay henceforth in kind and the landlord went to the land when the crop was reaped to see that he got his share. This share the landlord usually fixed at a half, but sometimes at a third. Owing to difficulties in measuring the crop and to the fluctuations in its amount with the varying seasons, the landlords subsequently devised a new system, the *dhānkarāri*, in which the rent was fixed at a definite amount of produce (so many maunds of paddy) and by which measurement and fluctuation were equally avoided. Ordinarily in this system none of the expenses of cultivation were supplied by the landlord: he did not buy the seed nor supply a plough and cattle so that both the burden and the hazard of cultivation were taken by the tenant. With the cultivators *burgā* tenancies were unpopular and *dhānkarāri* tenancies were detested. Led by the Christians, they made verbal applications for commutation in large numbers in Gaurnadi. By section 40 of the Tenancy Act commutation could be made on the application* of an occupancy-raiyat by an officer making a settlement of rents under Chapter X. It was the practice in Bihar to make commutation at the time of attestation on verbal applications and the Legal Remembrancer of Bengal on a reference made by the Board of Revenue in 1902 found no flaw in the practice. This practice was followed in making commutations in Bākarganj. Section 40 provides that in determining the sum to be paid in lieu of the produce regard shall be had both to the average money-rent payable by occupancy raiyats for similar land in the vicinity and to the value of the landlords' share of the crop. In Bākarganj owing to the recent rise in prices these differed considerably and the Settlement Officer suggested to the attestation officers the determination of a rent 25 per cent. in excess of the average money-rents and directed that his sanction would be required for commutations at 50 per cent. more than the average money-rents. The landlords objected somewhat strongly to any commutation, but the Settlement Officer (Mr. Beatson-Bell) in a tour of inspection made it clear to them that commutation was the legal right of an occupancy raiyat. Some of the Gaurnadi landlords, who are not perhaps a very scrupulous body, then sued the tenants whose rents had been commuted for three years' arrears of produce-rent. In the case of rent in kind the custom is for the landlord to appraise the crop on the ground and to arrange to remove his share when the crop is harvested. It was therefore exceedingly unlikely that such arrears existed. Indeed in the locality no secret was made of the fact that this course was adopted by the landlords to frighten those tenants who had not as yet applied from making any application and to compel those tenants whose rent had been commuted to continue paying in kind as before. The Settlement Officer attempted to meet this move by directing attestation officers to note in the khatians that the old produce-rent had been fully paid up to date when such in fact was the case. Most of the suits for arrears of produce-rent were decreed in favour of the landlords. In one of these† the Munsiff held that an officer making attestation was an officer "recording" rents and not an

* See No. 342A., dated 11th December 1902, from the Secretary to the Board of Revenue to the Director of Land Records.

† No. 72 of 1904, in the Court of the Additional Munsiff of Barisal.

officer "making a settlement of rents under Chapter X" and, as such, any order of commutation passed by him was *ultra vires*. The District Judge* agreed in this view. This decision at one stroke rendered invalid every commutation made by the attestation officers in the district. The matter was therefore at once referred and the Board's conclusion† was:—

"It is clear that a serious mistake has been made and that the commutations by the settlement staff in Bakarganj are illegal. The best course will be to have the work done over again by an officer especially empowered. It is understood that most of the commutations were made on verbal applications and that no court-fees were paid by the applicants. In proceedings before a special officer it will be proper to require the applicants to make formal application in writing and pay stamp duty in ordinary course. Care should now be taken not to allow the settlement staff to make any commutations in future unless they are 'making a settlement of rents' or are specially authorised."

Babu Radha Krishna Goswami, Sub-Deputy Collector, was accordingly "deputed‡ as a special officer under section 10 of the Bengal Tenancy Act for the commutation of rents." He was directed‡ also to enquire into the effect of the decrees upon the circumstances of the raiyats in accordance with recommendations by the Settlement Officer and the Director of Land Records. The Settlement Officer had reported§:—

"I may add that I have received several petitions from tenants lately on the subject. It appears that where rents have been commuted, the landlord has in many cases brought suits for three years' arrears of paddy rents and obtained decrees sometimes even in contested cases. Over a hundred specific cases have come to my notice, and it is possible that there may be two hundred cases in all. But I have the very greatest difficulty in collecting information, as I do not find the Civil Courts at all willing to give any detailed information about 'disposal of' cases. I have the honour to invite your attention to two points: First, suits for arrears of produce-rents were previously, I believe, totally unknown and a great volume of evidence could be brought to prove that produce rents are actually cut and taken from the field to the landlord's house. Secondly, two hundred out of a total of nine hundred cases go to show, as indeed is openly asserted, that the cases were brought to force tenants in a body to continue to pay the old paddy-rents. In the face of these circumstances, it appears to me that a special enquiry ought in justice to be ordered in these cases. I suggest that if the facts were prominently brought to the notice of the Hon'ble Judges of the High Court the matter might with their consent be thoroughly investigated and, if it appear that injustice on a very considerable scale has been done, as I strongly suspect, a suitable remedy may be afforded."

The recommendation of the Director of Land Records,* which was accepted, was:—

"The matter dealt with in Mr. Jack's third paragraph is of striking interest. It is practically impossible that the produce-rents in question should all have been in arrears for three years. The suits which are brought for these arrears were certainly brought in order to punish the tenants for having applied for commutation in the settlement courts. I have no doubt that the Munsiffs, who disposed of these rent suits, weighed the evidence to the best of their ability, but I have also no doubt that a failure of justice has occurred. I would also point out that, if the decrees are executed, the entire crop of the raiyats will be taken by the landlord for two consecutive years. If the costs of the landlord in the civil court have also been decreed against the raiyats, their position is still more deplorable. When the special officer carries out his work of commutation he may enquire into the case of these raiyats and submit a detailed report. It will be a melancholy result of the settlement operations in Bakarganj that a number of raiyats should be ruined because the Settlement Officer, acting on the advice of the Legal Remembrancer and the instructions of the Board of Revenue, commuted their rents at the wrong stage. If the facts turn out to be as bad as is now reported, Government is under a moral obligation to award compensation to the raiyats concerned. The report which I suggest may however be awaited."

The special officer was at work from June to August 1908. In his commutations he followed the rates adopted in the proceedings at attestation,

* Appeal No. 278 of 1907.

† No. 814 T. & S., dated 9th October 1907, from the Secretary to the Board of Revenue to the Director of Land Records.

‡ No. 55 S. & S.-9, dated 30th January 1908, from Secretary to the Board of Revenue to the Director of Land Records. See No. 1124 S. & S.-9, dated 10th March 1908, from the Secretary to the Board of Revenue to the Chief Secretary to the Government of Eastern Bengal and Assam.

§ No. 324, dated 27th December 1907, from the Settlement Officer to the Director of Land Records.

* No. 25-74 T., dated 11th January 1908, from the Director of Land Records to the Secretary to the Board of Revenue.

i.e., fixing a cash rate at 25 to 50 per cent. above the prevailing cash rates of the locality. His work was widely advertised in order that no raiyat whose previous proceedings were in defect might be omitted. About 1,000 such cases had been dealt with in thana Gaurnadi together with some 500 additional cases of tenants who had not previously applied for commutation when the work of the special officer was brought to a summary conclusion by a visit from the late Mr. Savage, Hon'ble Member of the Board of Revenue, on 19th August 1908, when the Settlement Officer was on leave. He directed* as the outcome of a memorial by pleaders and Brahmin priests presented to him in Barisāl that no further commutations should take place until the methods and rates should have been revised after an enquiry by the Commissioner of the Dacca Division. Exhaustive enquiries and a long correspondence followed, which came to an end only in 1913. The ultimate outcome was a very small change in the methods of commutation and in only 235 cases were the orders of the special officer modified. This delay was unfortunate in its effects upon the cases of the raiyats in Gaurnadi and elsewhere, which the special officer had not had time to review, as the cases were handed over to the Collector for disposal, but no action has been taken upon them. The report concerning the effect of the decrees upon the circumstances of the tenants was duly submitted, but led to no result and no compensation was given to the tenants. As the correspondence is of general interest and of considerable local importance, a selection is published in Appendix G.

333. There is a legal limit (Section 29, Bengal Tenancy Act) upon the extent to which the landlord can enhance the rent of an occupancy raiyat (including settled raiyats) by contract. As interpreted by High Court rulings the law would appear to be that save on the ground of a landlord's improvement or of a release from the obligation to grow a special crop, the rate of the money-rent of an occupancy raiyat cannot be enhanced by contract between the raiyat and his landlord by more than two annas in the rupee or oftener than once in 15 years. The rent can however be increased at any time by an additional assessment upon a *bonâ-fide* increase in area. In order to discharge the duty of investigating the legality of rents the collection papers of every landlord for 20 years have elsewhere been filed in the attestation camp; but this course was obviously impossible in Bākarganj, where there are so many intermediate landlords, as a large house would have been required in which to store them. Apart from this difficulty, the petty landlords do not retain old collection papers and books and many of them do not keep formal accounts at all. Details are entered on stray pages of paper, which owing to the ease of fabrication are comparatively worthless as evidence. The larger landlords keep proper accounts no doubt, but from the variety in their own title when they hold thousands of intermediate tenures in place of a single estate, the accounts are most perplexing and the less trustworthy that they are often kept on the *khā'ā* system on detached papers loosely strung together and not in bound books in which interpolation, excision and alteration are easy to detect. It is usual also for the large landlords to retain two sets of papers, one for production in court and one for their own use, which do not always tally; and it was often difficult to enforce the production of the genuine set of papers. The deficiencies in the landlords accounts could not be compensated by a reference to rent receipts, which are not only infrequently granted, but also when granted often fail to contain all the details required by law and especially the area of the holding. *Parkhāis* which are usually granted in lieu of formal rent-receipts are merely bald acknowledgments of the amount paid. It was thus most difficult for the attestation officer to investigate the legality of every rent which he recorded or for the raiyat in the absence of proper rent-receipts to prove the existence or the amount of an enhancement. The rate of rent is not high in Bākarganj, being in the average perhaps only one-tenth of the gross produce and one-eighth of the nett produce, so that rent is rarely a burning question. The watchword given to the attestation camps

* No 31 S. & S., dated 22nd August 1908, from the Secretary of the Board of Revenue to the Commissioner of the Dacca Division.

was therefore "*quies non movere*," in pursuance of which officers were advised not to stir up strife by too meticulous an examination into the legality of rents. All complaints preferred by tenants were of course examined, but in the absence of complaints the existing rent was recorded, unless there had been heavy enhancements on a large scale which affected the well-being of the raiyats. Enhancements were reported in the village notes; and it is clear that during the last 30 years they have been very common. In the Sāhābāzpur island they were rarely found, but in the south and west of the district there were instances in almost every village. Indeed the later history of Amtali thana is a record of enhancement tempered by the murder of managers, ten *naibs* being murdered in a few years and three successively in one village. In Matbāriā thana also enhancement and murder have been an equal feature of recent history. Where the reclamation of the waste had been comparatively recent, enhancements otherwise illegal often in fact became legal by the fact that the tenant under section 178, provisos (i) and (ii), was not really an occupancy-raiyat and in any case were justified, if moderate in amount, by the history of reclamation. In the west of the district large enhancements were more usual in the marshes, where the low initial rents gave them some moral justification. An examination of the village notes make it clear that attestation officers were somewhat too liberal in their interpretation of the watchword and did not always report cases of enhancement which were recent and apparently illegal and clearly merited careful investigation. If the rents admitted by the tenants were generally recorded, there were some notable exceptions in which illegal enhancements, which had been paid or partially paid but were harsh in their effects upon the tenants, were not recorded. These cases occurred chiefly in the south and the west of the district, but there were cases in the north, such as those of Sāber Miā of Agarpur and Āsmatāli Khān of Charamaddi. Enhancements by Muhammadan landlords are however rare. Old land-owning families never make them, but the Muhammadan *nouveaux riches* occasionally imitate their Hindu neighbours in this respect. A brief account is appended of the more famous cases of enhancement, in which for convenience the history is taken beyond attestation and up to the final outcome. A still briefer account is also given of three characteristic cases of enhancement which took place in the past.

सत्यमेव जयते

Mauza Alipur (R. S. No. 3139 in thana Galāshipā) belongs to the Bauphal Babus, who made a survey of the mauza in 1896-97 and took kabuliyats in 1897-98, from the tenants at rents which were double and in some cases more than double of the rents paid previously by the tenants. The grounds of increase set forth in this kabuliyat comprise almost all the grounds for which the Tenancy Act allows an enhancement of rent, but it is evident from the kabuliyats that the landlord relied on the ground of increase in area, as the rents shown in the kabuliyats were calculated at the prevailing rates on the area of the survey of 1896-97. At the time of attestation the officer submitted to the Settlement Officer a note for orders with the remark that the enhancement was so excessive that the tenants were scarcely able to bear it. The Settlement Officer decided that the enhancements were illegal and ordered the old rent to be recorded. It was found that the kabuliyats were obtained by intimidation, that the increase in area of the different holdings as a result of detailed investigation was much less than the increase in rent, and that the prevailing rate mentioned in the kabuliyat was not the prevailing rate previously existing in the mauza. It was found also by an examination of the jama-wasil-bāki papers of the landlord that a very few tenants had paid the enhanced rent and most of them were in arrears. The landlords brought an objection under section 103A, which was decided by the Settlement Officer, Mr. Beatson Bell, who refused to record enhanced rent on the ground that the increase in area alleged in the kabuliyat had not been proved (September 1904). The landlords then went to the Civil Courts filing 24 suits for arrears of rent which were decided together on the 25th of April 1905. The Munsif decreed the suits in full holding that the onus of proof that excess areas to an extent which would justify the enhancement lay upon the tenants and not upon the landlords, since by their kabuliyats the tenants had admitted the existence of the excess area, and that there was no proof that the kabuliyats had been obtained by coercion or intimidation. The tenants appealed against this decree, but all the appeals were struck off because their legal adviser did not appear on the day fixed for hearing owing to some misunderstanding with his clients. In due course the holdings were sold up in execution of the decree and purchased by the landlords through their agents and other benamidars. Khas possession was then taken of the land. The tenants were evicted in a body and their houses were burnt down and destroyed together with such of their property as was found in

them. It was ascertained by a subsequent enquiry into the working of the civil court that the legal notices which should have been issued upon the tenants in connection with these later proceedings had not been in a single instance duly served. Subsequently a state of complete disorder reigned in the village and for several years the land was never properly cultivated. New tenants could not be found to replace the evicted tenants and the landlords were ultimately compelled to take back the tenants whom they had ejected.

In mauza Karfā (No 309 in thana Swarupkati) and five neighbouring mauzas the landlord is Baikuntha Nath Biswas of Jalabāri, who refused to produce collection papers at the time of attestation. Very few of his tenants attended the attestation camps for fear of their landlord and those who came alleged that kabuliyats had been taken shortly before attestation at an enhanced rate of eight annas per bigha which was more than the legal amount. The landlord gives no dakhilas so that the tenants were not able to produce any receipts in proof of their statement. A careful local enquiry was ordered. With great difficulty the landlord was induced to produce his collection papers and it was discovered that in four of the villages the enhancement had been made only in the previous year and was illegal in amount. The old rent was therefore recorded. In the other two villages the landlord alleged that the rent had been enhanced long previously and had been willingly paid by the tenants, but here also it was found that in effect the enhancement had only been made in the previous year and not at all with the consent of the tenants. In these villages rents aggregating Rs. 7,984 were reduced to Rs. 6,828. The landlord filed two objections, both of which were decided against him. An exactly similar enhancement was made in Juluhār and after enquiry the rent of 36 tenants was reduced. The landlord subsequently sued some of the tenants of Juluhār for arrears of rent in the civil courts at Pirojpur and obtained decrees for the enhanced rent, as the tenants who were timid Namasudras were unwilling to continue the struggle with him.

Mauza Kolarān Chandipur (No. 3169 in thana Pirozpur) is a Henokell mahal in which the Pandes of Pāran Hāt have three large intermediate tenures. They made a survey of the land and took kabuliyats from their tenants at enhanced rents in 1901-04. The enhancement amounted to 50 per cent. and more of the old rent. The tenants objected that the enhancement was illegal and that the kabuliyats were taken by force with the aid of the local police and that they have never paid the enhancement. The landlords refused to produce their old collection papers, but an examination made of the old rent receipts of such tenants as were able to produce them showed that the rate of rent previous to the enhancement could not have been more than Rs. 3 a bigha, while after the enhancement it became Rs. 4-8 a bigha. It was possible to prove this by means of the Sunderbans Commissioner's survey, as this was a Sunderbans mahal. The Settlement Officer therefore ordered the old rent and not the enhancement to be recorded. The landlord did not object under section 103A, but filed several suits for arrears of rent as test cases against the tenants. In some of these the Munsif gave decrees for the enhanced rent and in others for the previous rent, but the District Judge in appeal found in all cases that the enhancement was illegal and gave decree for the previous rent only. The landlords subsequently attempted to intimidate the village by flooding it with lathials and by involving the tenants in criminal cases, but so far as is known without success.

In char Hosnābād (No. 1889 in thana Bāuphal) which belongs to the Dāsmiṇā Mians, an enhancement of rent which amounted in the whole village to 79 per cent. was made in the year 1893 by the aid of lathials, who were borrowed from the Bauphal estate, as has been subsequently admitted by a member of the Dāsmiṇā family. Fresh kabuliyats were taken from the tenants in which the right of the tenants were described as "unsettled, non-occupancy, temporary raiyats rights" and which contains several other illegal provisions. The Settlement Officer, Mr. Beatson-Bell, decided that the enhancement was illegal and ordered the old rent to be recorded. The landlords in order to defeat this decision had recourse to the Civil Court and filed 60 suits for arrears of rent, in some of which they obtained a decree for enhanced rent and in others they obtained a decree only for the previous rent. Both kinds of decrees were appealed to the District Judge, who decreed the enhancement and decided the cases against the tenants on the ground that they were not settled raiyats, as the village was a char to which section 180, Bengal Tenancy Act, applied. He held also that there was no evidence to show that the kabuliyats were executed under pressure. The District Judge stated in his judgment that the land of the village was char land which came under regular cultivation in the year 1893 when the kabuliyats were taken. As a matter of fact however the village was shown as entirely cultivated and full of homesteads with well-grown gardens at the time of the Revenue Survey in 1866, only 27 years before. Subsequently the Dāsmiṇā estate came under management of the Court of Wards which made an exhaustive enquiry and decided that the new rents in fact involved an illegal enhancement which had been obtained by intimidation. The Court therefore refused to execute the decrees which the landlords had obtained and made a compromise with the tenants who had been since the decrees in a state of disaffection.

In Kālāiā (mauza No. 1885, thana Bāufal), in the year following the Tenancy Act the landlords attempted a general enhancement, as rent receipts in a printed form now became compulsory. The tenants resisted and set fire to the landlords' cutcherry. Assaults and similar occurrences happened daily until it became necessary to depute preventive police in the village. The landlords sued every tenant for arrears of rent in the Civil Court obtaining decrees in every case and attached the whole village. The leader of the tenants had in fact mismanaged their cause and misappropriated the money subscribed by the tenants for its prosecution. He was nearly killed by tenants when they found their crops, cattle and moveables attached. Ultimately the tenants were unable to continue the fight and made terms with the landlords by agreeing to pay the enhancement demanded, but it was found that even after the lapse of 15 years 12 per cent. of the tenants had never been able to pay completely the enhanced rent.

In mauza Sikdārmalik Ganakpārā (No. 234, in thana Pirozpur) a comprehensive enhancement of rent was made of all the tenants in the village, over 400 in number, in 1886 by Baikuntha Nath Biswas of Jalabāri and other landlords. The enhancement doubled the former rental. The tenants refused to pay and formed a combination amongst themselves which lasted for three years. The talukdars broke the combination by suing for arrears of rent at the enhanced rate against all the tenants and obtaining decrees, although the enhancements far exceed the amount which the Bengal Tenancy Act, passed in the previous year, had determined to be legal. One-third of the tenants then agreed to pay the enhanced rent, but the remainder, consisting of 300 families, refused and were ejected from the village.

In mauza Joypur (No. 222, thana Swarupkāti), the landlords attempted to obtain a very heavy enhancement of rent in 1883. The raiyats resisted and made a combination which defeated the landlord for three years. Ultimately the landlords proposed that if the tenants agreed to the enhancement they on their part would agree to make the holdings mokarari, i.e., that the enhanced rent should be fixed in perpetuity. The tenants agreed to this proposal, although as a result their rents were trebled.

Draft publication.

334. Draft publication was made in accordance with Government rule No. 20 of the rules then in force under the Bengal Tenancy Act, that is to say, a clerk was sent to the village to read out every entry in every khabat and khatīān to the villagers assembled. In most cases draft publication was a mere formality as very few mistakes were brought to notice. A few villagers put in an appearance, slept for a little and went away: the village boys took some interest in the proceedings and occasionally a landlord's agent attended. It should be noted that the Attestation Officer often made surprise visits to see that the clerk was doing his duty. This procedure for draft publication was abolished in the revised Government rules under the Tenancy Act published in the Government Gazette of 8th September 1909.

Objections under section 103 A.

335. Considering the litigious nature of the people, very few objections were filed under section 103 A against the draft published record. The total number was 28,981 which gives an average of 10 to the square mile in the area draft published. The average in Saran was 27, in Darbhanga 23, in Chittagong 8, and in Monghyr 18. Probably the court-fee stamp necessary prevented the raising of a large number, but no doubt the knowledge that the decision would go, as in previous stages, by present possession and existing facts held many back. The period allowed by law was extended in large mauzas and generally where any reasonable ground was urged.

The objections filed were almost entirely appeals against decisions of disputes in earlier stages. Very few were in correction of errors and only one raised any question of principle. No purpose would therefore be served by any elaborate statistics. The objections were decided by senior officers, and great precautions were taken that none should be struck off for non-attendance or be decided *ex-parte*. It was only after repeated process that such a course was taken.

It may be noted that in one manza Kāchhipārā in thana Bāuphal the Objection Officer found the record so full of errors that a re-attestation was ordered.

336. The most interesting objection was filed by the Collector of the district praying that Government might be recorded as owner of the rivers in the district. The defendants consisted of the zamindars of each pargana in the district. The question was one of great interest and importance in Bākarganj. One-third of the total area of the district is running water, employing channels which are little wider than a ditch and beds which are as broad as a county. River, stream and ditch are tidal; and while the narrowest is navigable at high tide and in the floods, the broadest is sometimes not navigable at the ebb. Moreover the beds of all, both large and small, are constantly shifting, sometimes so as to cover a very wide area in a very short space of time. The existing rivers flow over what was dry land at no very distant period, while much of what was formerly covered by water has now become dry land. There were thus two distinct questions, the ownership of the river and the ownership of the river beds. The case was taken up by the Settlement Officer and decided by him on the 4th September 1903. His decision, which summarises the law on the subject, is printed amongst the appendices* as likely to be useful to local officials in future discussions of the question. By this decision navigable rivers were excluded from the record-of-rights and were defined as rivers more than 3 chains (66 yards) in width. Rivers less than 3 chains in width were included in the record-of-rights; and in respect of ownership the Thak map was accepted as conclusive until the contrary was shown.

337. The following statement shows the total number of disputes decided during the preparation of the record-of-rights and provides also a measure of the litigiousness of the inhabitants of the various parts of the district. The statement shows very clearly to what extent the high-caste Hindu or *bhadralok* is responsible for litigation. At all stages disputes were most frequent in thanas where the proportion of such *bhadralok* was high and were very few where their numbers were negligible:—

SUBDIVISION.	Thana.	At khana- puri.	At attes- tation.	Objections under section 103A.	Total.	Number for each 1,000 of the population
Sadar	Barisāl ...	4,013	3,798	2,927	10,738	75
	Bākarganj ...	4,297	3,111	3,089	10,497	73
	Nalohbiti ...	3,832	3,002	2,296	9,130	113
	Mehendiganj ...	1,906	1,731	1,520	5,157	31
	Gauradi ...	6,586	7,282	4,147	18,015	76
	Jhālakāti ...	5,276	5,411	2,329	13,016	75
Patuākhāli...	Patuākhāli ...	3,506	2,281	2,574	8,361	42
	Galāohipā ...	1,091	973	648	2,712	30
	Bāuphal ...	1,863	2,128	1,531	5,522	50
	Āmtali ...	2,014	795	747	3,556	28
Pirozpur	Pirozpur ...	2,823	2,647	1,048	6,518	50
	Swarupkāti ...	3,726	3,529	1,508	8,763	42
	Bhāndāira ...	1,930	1,797	684	4,411	43
	Matbāria ...	1,906	2,394	978	5,278	46
Bholā	Bholā ...	998	1,698	1,391	4,087	27
	Berāhānaddin ...	977	1,682	1,564	4,223	36
District Total ...		46,744	44,259	28,981	119,984	52

* Vide Appendix II.

The final copies of maps.

333. After khānāpuri the original map which had been prepared in the village remained with the Survey Department, by whom the corrections reported from time to time by the attestation and objection camps were made. When all corrections were complete, reproductions of the map were prepared by vandyke process. In this process a photograph of the original map is taken on a negative of zinc covered with a gum solution. Impressions in black ink are then taken on plain bank-post paper.

Previous to 1903 a trace on vellum was first made of the original map, as the paper upon which the original map was prepared was not sufficiently transparent for direct reproduction. In 1903 and afterwards a more transparent paper was used which permitted of direct reproduction.

339. A large number of copies of the map in each village was struck off,* as Mr. Beatson-Bell had obtained sanction in 1904 for his proposal that a copy of the map of a village should be given to each tenant holding land within it. This was a great advance on the previous practice, by which copies of the map which were made by hand on vellum could only be obtained by a troublesome application to the Survey Office or the Collectorate and were sufficiently costly. This distribution is now a feature in all settlement operations, but Bākarganj was the first district in which it was made. The maps were much appreciated by the tenantry by whom they are considered more useful than the copies of the record-of-rights which were distributed at the same time.

Final scrutiny of the record-of-rights.

340. A very large staff was necessary for the final scrutiny of the record and for the correction of obvious errors and omissions. Much of this work is monotonous; and there was always difficulty in controlling the staff employed upon it. It was necessary to see that full and correct effect had been given to every decision in a dispute or objection or to any other order of an officer, that each khebat and khatīān was complete in itself and that the information required in all the different columns was supplied, that the total of the rent where it was distributed amongst several landlords was correct, that every plot was fully accounted for in a khebat or a khatīān and that the aliquot shares of every tenancy and every plot held by different tenants totalled neither more nor less than 16 annas, that every male was provided with a father and every female with a husband or a father for purposes of identification. All of this was necessary to ensure that the work which had been done had been correctly done; but it was necessary also to perform much new and troublesome work.

341. Corrections had been sufficiently numerous to make the original numbering of khebats and khatīāns unintelligible. They had therefore to be renumbered and at the same time the tenure-trees, which were by this time in rags from excessive handling and undecipherable from excessive correction, were rearranged and prepared afresh. The method of arrangement adopted in each case is explained elsewhere. The most tedious labour was expended in the calculation of areas in each tenure and estate, which had not been previously done. It may seem a simple task to ascertain the area of a tenure or estate by transferring and totalling the areas held by each tenant and by adding to the total the area reserved by the tenure-holder or proprietor for his own possession; but in fact the process is most complicated when several landlords hold their lands in joint possession. It was necessary in the first place to examine whether the area of each plot had been correctly transferred to the khatīān of the raiyat who was its possessor and in the second place, when the plot was included in several tenancies, to distribute the area between them according to their proportionate shares. It is perhaps the exception in Bākarganj for a plot to be wholly in the possession of one raiyat and to go wholly to one khatīān, and co-sharers do not always hold a half or a

Preparation of the final copies of the maps.

Distribution of a copy to each tenant.

Object of the final scrutiny.

Labour of calculating areas of the tenancies.

* No. 150, dated 24th August 1904, from the Settlement Officer to the Director of Land Records.

quarter or a similar fraction easy to distribute, thus ninths, thirteenths and seventeenths are not by any means uncommon, where the division is due to the break-up of a Muhammadan inheritance. It can easily be imagined that distribution of the area amongst the khatīāns of the cultivators was often in itself a sufficient labour, but the distribution amongst their landlords involved infinitely more calculation. Co-sharer landlords are the rule and not the exception and their proportionate shares can often only be expressed in the most minute fractions. The labour in a complicated village with considerable subinfeudation was inconceivable. In Chandradwip for example, the proprietors are divided into thirteen distinct bodies. Suppose a village cultivated by raiyats holding under a *hāolā* which has been divided into seven shares and the *hāolā* under a *shikmi taluk* divided into eight shares and holding of Chandradwip zamindari. The area of each raiyat must be distributed by a separate calculation amongst the seven shares of the *hāolā*, the area of each of the seven shares of the *hāolā* must be similarly distributed amongst the eight shares of the taluk, and finally the area of the eight shares of the taluk must be distributed amongst the thirteen shares of the zamindari. The thirteen shares of the Chandradwip zamindari are represented by the following fractions: $\frac{26339}{163840}$, $\frac{26299}{163840}$, $\frac{15191}{327680}$, $\frac{8905}{163840}$, $\frac{15191}{327680}$, $\frac{1318}{40960}$, $\frac{1381}{81920}$, $\frac{1381}{81920}$, $\frac{15961}{401520}$, $\frac{935}{98340}$, $\frac{935}{98340}$ and $\frac{290}{2560}$, and the zamindari has an area of 200 square miles situated in 411 different villages: Selimābād, the largest zamindari, with an area of 33.9 square miles in 637 villages, is divided into 52 shares represented by even more troublesome fractions, such as $\frac{12029}{819200}$ or $\frac{6789}{1638400}$. It will be seen that the calculation of the area belonging to each tenure and estate is no light task. Nor should it be supposed that difficult fractions occur only in zamindaris. They may occur in tenures of the lowest grade. Thus in the case of the *hāolā* mentioned above which had been split into shares, if as is most common the origin of the shares was the death of an original Muhammadan sole owner and the division was amongst his seven heirs, each share would no doubt be represented by $\frac{1}{7}$ had his heirs been all sons, but if he had left a wife, three sons and three daughters, the respective shares would be represented by the fractions $\frac{1}{8}$, $\frac{7}{32}$ and $\frac{7}{32}$; and if on their death their shares be again distributed amongst several heirs, the fractions at once become formidable. Finally when the distribution was complete and each landlord's area had been entered, it was necessary to check the total of the areas calculated for all the proprietors in the village against the area of the village as found by a summation of the areas of all the plots. If the two totals disagreed, the error in distribution had to be traced and corrected. In a large village many hours often went in this heart-breaking search.

342. A still more difficult task was the collection and the amalgamation of the tenures in each estate. The record had been prepared village by village and not estate by estate; yet the majority of estates owned land in more

Preparation of tenure-trees for estates.

than one village. Similarly a huge number of tenures and under-tenures sprawled over several villages. It was now necessary to collect these together and prepare a consolidated return of the amount and situation of their lands. In undertaking this work it was at once found that entries concerning the same tenure in different villages did not always agree. The possessors of their shares might differ, the rent be not the same or the division into independent shares not coincide. The reconciliation of such errors involved a consultation with the parties concerned and was often most tedious. The form of collation which Mr. Beatson-Bell selected as most convenient was to prepare a "standard" or consolidated tenure-tree for the estate taken as a whole, which would show every tenure which had land in more than one mauzā and number them in a single serial, and to add an index which would show the villages wherein the land of every tenure entered in the consolidated tree was to be found. Neither the standard tenure-tree nor the index forms any part of the record-of-rights, but the preparation of both was essential for the elimination of error in the record-of-rights as well as for the provision of statistical information. This was not an easy task and in the event it was found very imperfectly done, as it was not at first recognized that constant and intelligent supervision was necessary; but it had already become clear that the record-of-rights would be difficult to consult without the consolidated tree and index.

343. A mere index of this nature was not really useful to owners of tenures with land in several villages. It simply informed them in what villages their land lay and the burden lay upon them to obtain copies of the record-of-rights in each village and to amalgamate them as they required. It would have been more convenient to have shown at once in one single form the area lying in each village, the amount held by each class of tenant, and the rent payable therefor. With this detail the index would have become a document of great statistical value in itself and of great utility to all who had a present or a prospective interest in the tenure. After final publication there was great deal of disappointment among the landlords that they obtained in a somewhat cumbersome form a record of their possessions village by village, while in no place could they obtain a convenient summary. It was therefore subsequently decided to do the work again, partly in order that discrepancies which still remained between one part of the record-of-rights and another might be reconciled and corrected and partly in order to remove

the grievance reasonably felt by the landlords.

The register of tenures. On this occasion the consolidated tenure-tree was revised; but the index developed into a detailed register of tenures, which showed the amount of land comprised village by village in each tenure of the estate and further divided the land amongst under-tenure-holders and raiyats, rent-paying and rent-free tenants and displayed the amount of rent paid by each rent-paying class. This register is a document of exceptional value and will compensate the proprietor and tenure-holder in large measure for the meagre information supplied to him by the record-of-rights. A vast number of errors—over 8,000—was discovered and corrected while this register was under preparation.

The fair copy of the record-of-rights.

344. The many corrections, the occasional travels and the constant handling of the draft record had by this time reduced it to a condition of raggedness and illegibility. It was necessary therefore to prepare a fair copy in accordance with rule 35 of the Government rules under the Bengal Tenancy Act. The chief copy was prepared for the purpose of public record in the Collectorate Record-room. This was in book form. At the same time another copy was also prepared of each khebat and khatian for distribution to the public as each recorded owner paid his costs. There was naturally some difference in the form of the two copies. Complete information had to be given in the distributed copy to each of several co-sharers of his lands, whereas in the public record this would only have involved endless repetitions. Full information as to the arrangement of the public record has been given in Chapter IV, while the forms adopted will be found in Appendix C. The fair copies were made by clerks working at contract rates; but considerable attention was given to legibility in the handwriting.

An experiment* was made at first with a special ink of a light green colour supplied by the Superintendent of Stationery as being indelible and impossible to fabricate. It was hoped thereby to prevent fraudulent interpolations in the record-of-rights in future years. It was however a failure, as it faded so rapidly that it threatened to prevent interpolations by leaving no record in which to interpolate. The use of the ink was therefore abandoned and Stephen's ink employed instead.

345. It was very necessary to compare the fair copy with the draft record to insure that no errors had been made in transcription. A large staff was employed for this purpose, which worked in groups of three, one clerk reading the draft published record and the other two scrutinizing the two copies and correcting errors. This branch of the establishment gave more trouble than any other. When A reads aloud for several hours to B and C on

* In accordance with Circular No. 13 S., dated 17th March 1900, issued by the Director of Land Records.

a hot day in a stuffy room, it is natural for *B* and *C* to doze. Moreover the most fanatical enthusiast for a record-of-rights could not truthfully describe it as an interesting work. To spend a year day after day reading carefully, slowly, solemnly such a record or listening, comparing, scrutinizing, starves the spirit and destroys the mind. It was perhaps natural that the comparing staff should make a combination to restrict the output, but it was a combination most difficult to suppress. To pay the clerks at contract rates based on the outturn of work was out of the question. It was too easy to turn the pages and say the work was done. Longer hours were tried and as an additional precaution a special staff was engaged again to compare the work of the comparers, to scrutinize the scrutinized. It was in connection with these orders that the strike of November 1905 broke out in the office. October 16th 1905 was the day of the partition and it was at this period that political agitation in Barisal was at its height: the railway and the telegraph strikes in Calcutta had just taken place and Barisal had been infected by the epidemic. On receipt of the orders prescribing longer hours the comparing clerks absented themselves in a body. They picketted the roads and prevented the clerks of other branches from coming to office so that out of 382 clerks only 99 attended. A petition was presented on

Strike of the comparing clerks
and its sequence.

the 24th for the redress of grievances. Apart from the new orders in the comparing branch, these grievances were found to be of very trivial nature and to have no substance. Moreover most of the clerks employed were members of the decayed respectable classes, whose education had been very scanty, who were earning pay in the settlement office far above their market value and whose chances of employment outside it were of the slightest. In Bākarganj alone, as they were well aware, scores of applicants would apply for the posts which they would vacate. A policy of firmness was clearly indicated and was adopted. A notice was posted in the office giving all the absentees a day to think over the position, notifying that a roll-call would be taken in the evening of the day, that those who attended would be taken back in employment, but that those who absented themselves would be dismissed and would be recommended to Government for proscription from all Government employment. As there was every hope that this firmness would be successful and as the hands of Government were at that time very full of the disturbances in connection with the Partition, it was thought advisable not to trouble the higher authorities with any reference until the result of these measures was known. In the event the vast majority of the clerks attended the roll-call and gave no further trouble. Sixty-three stayed out, but almost without exception they were new clerks, who had been appointed within the previous six months. It is significant that these were mostly youths who had received an English education and had passed or read up to the Entrance examination of the University. They had indeed been appointed as an attempt to give employment to the failures of the University course. The great majority of the clerks previously recruited were men who had not been to the English schools and only knew the vernacular and who now returned to duty. The places of the truant 63 were rapidly filled up and work went on smoothly and at a better pace. In the meantime the truants were dismissed and reported to Government for proscription, a step which Government on a review of all the circumstances approved. Their names were accordingly notified in the Government Gazette of 30th December 1905 as being debarred in future from all Government employment. It was an unfortunate circumstance that the publication of this Gazette synchronized with the entry of His Royal Highness the Prince of Wales into Calcutta and the native newspapers made many acid comments on the coincidence.

As a matter of history, the failure of this strike and the fate of the strikers had a most salutary effect on the staff. Work improved and discipline became much better. In after years and in Faridpur, a campaign against corruption was undertaken which would certainly have evoked obstruction but for this salutary lesson, which has also made possible the smooth beginnings of a printing press at economical rates.

The experiment of printing the record-of-rights.

346. The proposal to print the record-of-rights had its origin in a variety of reasons. Perhaps the most weighty ^{Reasons for printing the record-of-rights.} was the complaint of the landlords that they got no copy of the khatiāns of their tenants and were therefore in ignorance of the specific plots recorded in their occupation as well as of many other details. Yet to prepare a third copy of the record-of-rights by hand would have been a most costly undertaking and a third copy often would not have been sufficient, as in the case of every raiyat who had more than one landlord a copy would have been necessary for each landlord. In Bākar-ganj this would have been a stupendous undertaking. In the two largest zamindaris, Chandradwip and Selimābād, for example 13 and 52 additional copies would have been necessary. The provision of such copies would have doubled the cost of the operations and it was a natural suggestion that by printing the record-of-rights any number of copies could be prepared at an insignificant addition to the cost. A second consideration was the superior legibility of a printed over a handwritten page. The handwritten forms presented to landlords and tenants were cumbersome in size and arrangement and, with whatever care prepared, were not always exact copies of the original nor always easy to read. This consideration is even more important in regard to the copy placed for public record in the record-room. The size, the volume, the arrangement, the handwriting all combine to appal the enquirer. It is with a sigh that even a Settlement Officer consults the ponderous volumes which he has prepared. For a printed record the convenient half-foolscap size could be adopted and the superior legibility would make the record at least not repellant, if not actually inviting. A third consideration was the danger of forgeries or subsequent interpolations in a handwritten record, which in Eastern Bengal is perhaps more than a possibility. In Chittagong fabrications had already occurred. A printed record-of-rights would make forgery or interpolation practically impossible. There would be a public advantage also in the provision of more public copies so that every department—the Civil Courts, Registration Offices, Police—might the more freely consult them in the performance of their duties. Subordinate officers in the subdivisions and other local areas would have their copy at hand, whereas the single handwritten copy at headquarters, of which great care must necessarily be taken, tends to become a closed book for administrative work.

347. All these considerations pointed strongly to the superior advantages of a printed record which had been first suggested in 1904. There were doubts however whether the proposal was practicable and, if practicable, whether the cost would not be prohibitive. To resolve these doubts, a small experiment was made in 1906 at a local printing press with the courteous co-operation of the proprietor, Babu P. C. Mukherji, a Government pensioner. This experiment showed that to print was not impossible and not ruinously expensive. Experiment sanctioned. The results were shown to the Hon'ble Mr. Savage, then Member of the Board of Revenue, who sanctioned * a more extended experiment with a settlement press and with settlement clerks trained as compositors. It may be remarked that the draft published record was in so confused a state from modifications, additions and corrections that it would have been impossible for any except clerks trained by service in the settlement department to decipher it. A precedent condition therefore of any scheme to print the record was to train clerks as compositors.

348. The two hand presses arrived on the 3rd December 1907 and the experiment began on 20th December. At this period the final copy had been prepared in every part of the district except the area in which a resettlement of land revenue was being made. It was perhaps appropriate that in this experiment which was being made entirely at the expense of Government the record to be printed

* No. 401 S.S.G., dated 1st December 1906, from the Secretary to the Board of Revenue to the Director of Land Records.

should be the record of Government estates. The experiment was successful and sufficient to warrant the ultimate adoption by Government of a proposal to print the entire record-of-rights in the district of Faridpur. In Bākarganj the area in which the record-of-rights was printed was 99 square miles. The cost was no doubt high. Not only had the small staff employed to be trained, but it was decided also to change the staff at intervals so as to train as many clerks as possible in the art of composition for use in the district of Faridpur. It may be added that it was found that a clerk without previous experience of a printing press can be converted into a compositor working at a fair rate in a period of three months.

Final Publication.

349. The work of final publication was carried out under rule 35 of the old rules under the Bengal Tenancy Act. A clerk was sent with due notice to the village who read the Record-of-Rights from beginning to end to the assembled villagers. The only flaw in the proceedings was that there were usually no assembled villagers. By the new rules under the Bengal Tenancy Act published in the Government Gazette of 8th September 1909 a new and better procedure was prescribed. Except for the area which was under resettlement of land revenue final publication began on 7th July 1903 and was completed on 12th March 1908. For reasons given elsewhere, final publication in the area under resettlement of land revenue proceeded slowly and was only finally complete in 1911. On the first page of each volume of the Record-of-Rights was placed a certificate of final publication signed by the Settlement Officer or by an Assistant Settlement Officer on his behalf.

350. It may be convenient for purpose of record to give a summary of the number of khebats, khatians and plots, which this record-of-rights contains, premising that a separate khebat and a separate khatian were prepared and are separately enumerated in every village in which the tenure or holding with which it is concerned contained any land:—

Thana and Subdivision.	Khebats.	Khatians.	Plots.	Thana and Subdivision.	Khebats.	Khatians.	Plots.
Gaurnadi ...	78,534	82,385	216,434	Patuakhali ...	40,968	54,686	261,124
Jhalakati ...	87,675	49,481	166,857	Amiati ...	20,610	27,351	167,549
Naichhiti ...	54,377	33,678	149,772	Galachipa ...	17,789	26,478	139,072
Bakarganj ...	55,277	51,180	209,033	Bauphal ...	28,586	38,818	187,987
Barisal ...	60,868	55,763	252,164	Patuakhali Sub-division.	107,981	141,333	745,733
Mehendiganj ...	19,008	56,670	194,457				
Sadar Subdivision	376,679	323,156	1,188,767	Swarupkati ...	42,533	35,537	149,750
Bhola ...	44,747	59,586	207,363	Pirozpur ...	30,196	27,335	114,813
Barahannadin ...	15,197	39,880	194,243	Bhandaria ...	37,494	20,469	99,889
				Matbaria ...	32,575	24,538	127,891
Dakshin Sākhāpur Subdivision.	59,944	99,468	401,546	Pirozur Subdivision.	142,798	108,229	492,343
				The District ...	687,402	677,134	2,828,388

CHAPTER II.

ASSESSMENT OF RENT AND REVISION OF LAND REVENUE.

351. In the chapter on fiscal history some description of the origin and assessment of the temporarily-settled area has been given in which it was indicated that the area was very scattered and that its conditions were very diverse. In the total it was very considerable and its revenue was larger than the revenue of the much greater area under permanent settlement. A very large portion of this tract, but not the whole, came under revision of land revenue during the settlement operations. The temporarily-settled area now consists of the Sundarbans in the south of the district in which may be included the scattered islands in the Meghna estuary, a compact tract of

alluvium in the south of the Sāhābāzpur island and an enormous number of small estates scattered throughout the rest of the district, some of which have been purchased at a sale for arrears of revenue, but the greater number of which are alluvial accretions fringing the banks of the greater rivers. During the whole of the nineteenth century, little attempt was made to secure uniformity in the period of settlement of such estates in the district. Each was settled by the method and for the period popular at the moment and it was largely an accident that the period, of so many of the estates expired during the ten years which the district settlement operations covered. These estates in comparison with the total temporarily-settled tract covered an area as follows:—

TRACT.	Total number of estates.	Total area.	Total revenue at the beginning of the operations.	UNDER RESETTLEMENT IN THE DISTRICT OPERATIONS.		
				Number.	Area.	Revenue.
Sundarbans ...	105	3,98,910	3,85,861	43	1,35,520	2,19,532
Sahabazpur island ...	93	1,84,042	2,01,475	62	1,59,411	1,72,746
Rest of the district ...	269	62,464	1,15,537	175	88,394	78,106
Total ...	467	6,45,416	7,02,873	280	3,73,325	4,64,385

352. It will be observed that most of the Sāhābāzpur estates came under resettlement. In the Sundarbans also nearly all the resumed mahals and a large number of the forest grants were due for reassessment, but the term of the 99 years' leases and several other long-term grants had not expired nor had the term of the large Tushkhāli khas mahal, so that the area under resettlement appears comparatively small. In the rest of the district the large alluvial estate of Heshāmaddin was the only important estate not under resettlement.

353. The diversity in the geographical and historical conditions of the estates makes it impossible to concentrate into a single description the assessment operations in Bākarganj. Moreover tenancy conditions in the estates were as various as their history. There was of course the main division between private estates in which a private individual had by law or by grant a proprietary right and Government estates in which no such right obtained. But this division was obscured on the one hand by the recusancy of proprietors, which compelled Government to undertake management of a private estate, and on the other hand by the extent to which Government had entrusted its own estates to "sadr malguzārs"—talukdars and the like—who were in law only tenure-holders, but in their control of their lands were little distinguishable from private proprietors. The real distinction is therefore between estates in which Government dealt only with a single sadr malguzār, whatever his title, and estates in which Government dealt direct with the tenantry. The tenants were themselves a very diverse body. In a few estates Government or the sadr malguzār had made a real raiyatwari settlement with the cultivators and there were no intermediate tenure-holders. In several other estates there had been a sham raiyatwari settlement and the so-called raiyats were in fact middlemen who had sublet the whole of their land to cultivators. In the majority of estates however there was the usual Bākarganj layer of tenure holders between the cultivator and the sadr malguzār. It followed from the system of assessment adopted in the previous settlements that the rates of rent paid by the cultivators were rarely uniform in any estate. In the true raiyatwari estates belonging to Government such a uniform rate was in existence, fixed very often as a low all-round rate and very often on a classification of soils. In similar estates belonging to a private proprietor uniform rates had sometimes been settled for the raiyats by a previous settlement officer, but usually the proprietor had been left to make his own contracts with his tenants and from the alluvial nature of the estates and the differing amount of *selāmi* paid it

was only rarely that the rate of rent was uniform for all tenants. In the false raiyatwari estates uniform rates may or may not have been fixed for the pseudo-raiyats, but the rents of the real cultivators were always fixed by an individual contract, each cultivator with his own middleman-landlord. Similarly in estates in which there was the ordinary subinfeudation previous Settlement Officers as has been explained in Part II fixed rents for the haoladars or some other grade of intermediate tenure-holder and left the tenure holders to make their own arrangements with the cultivators. In such cases every raiyat might pay rent at a different rate from his neighbour on the same class of soil and as a matter of fact the rents actually paid showed the most astonishing differences, the tenant of a harsh landlord paying at two and three times the rate of a neighbouring tenant under an easy landlord. This variety in rents and conditions applies to all parts of Bākarganj and makes impossible a general view of the effects of the present assessment upon all grades of tenants. The principles upon which the assessment of the district settlement operations was effected were however very largely the same throughout the whole district. In the Sundarbans the rules were slightly modified to suit peculiar conditions, but in the rest of the district a uniform system of assessment was applied. There were however several estates, in which slight modifications were essential and the rules which were framed for the guidance of the Settlement Officer permitted a certain elasticity in the working of the system.

354. The assessment was carried out under Part II of Chapter X of the Bengal Tenancy Act. The law prescribes (section 104) that a fair and equitable rent shall be settled for all classes of tenants; but assumes the fairness of the existing rent, unless certain specific conditions obtain which would under the law permit a variation. The Revenue Officer may accept the rent agreed upon between landlord and tenant, provided he be satisfied that it is fair and equitable, or he may propose a rent for acceptance by landlord and tenant. Failing agreement or acceptance, he may himself determine a new rent. He cannot however vary the existing rent, unless the variation is justified by sections 6 to 9, 27 to 36, 38, 39, 43, 50 to 52, 180 and 191 of the Act. The rent-roll which the subordinate Revenue Officer prepares in each estate is subject to confirmation by a superior revenue authority, to whom any of the tenants affected is entitled to appeal.

In the case of a private estate, the revenue of the proprietor is assessed, not under the Tenancy Act, but under Regulation VII of 1822. The rents of all classes of tenants were however determined in these as in other estates under the provisions of Chapter X of the Bengal Tenancy Act.

355. The discretion of the local revenue authorities is guided by Government rules under the Bengal Tenancy Act and by the Circular orders of the Board of Revenue. These rules and orders were changed during the course of the settlement operations. At first the local revenue authorities had to obtain the sanction of the Director of Land Records to their proposals in the case of every estate and of the Board of Revenue in the larger estates before a rent-roll was prepared. After it had been prepared, the legal confirmation by these authorities was also necessary. Under the later rules of 1909 and orders of January 1910 the preliminary sanction was not necessary and the confirming authority became the Director of Land Records in all cases in which the rent-roll did not exceed rupees ten thousand. In the latter cases the sanction of the Board of Revenue was necessary before the Director of Land Records confirmed the rent-roll.

356. The principles upon which assessment of rents and revision of land revenue were made in Bākarganj were approved by the Board of Revenue in March 1905. These principles were embodied in a memorandum prepared by the then Settlement Officer, Mr. N. D. Beatson-Bell, and revised by the Board of Revenue. The memorandum succinctly describes the system of assessment adopted, and is therefore reproduced in full.

I—GENERAL PRINCIPLES.

1. The estates in which land revenue will be re-settled in the course of the present operations generally consist of scattered pieces of land surrounded by permanently-settled tracts. Although many of the principles contained in this note may be found applicable to re-settlements of Sundarbans estates in this district, the note is not intended for the present to deal with such re-settlements. It should also be borne in mind that in Bakarganj it is not part of the duty of the Settlement Department to find new tenants for unleased Government land. Such land, whether in the Sundarbans or elsewhere, will remain in the record as Government khas and will be dealt with in due course by the District Collector. The estates comprised within the scope of this note number about 230 and their current land revenue is rather over two lakhs of rupees.

2. For statistical and descriptive purposes the fields in the district have been designated in the record by a large variety of terms. For the assessment of rent a few simple heads are, however, sufficient. The working classification which it is proposed to adopt for assessment purposes will be found in rule 5 (i) of the "Jamabandi Rules" for Bakarganj. Six classes of land are proposed, namely, (i) plough land, (ii) homestead and orchard, (iii) *pān*-gardens, (iv) reeds, (v) shops, and (vi) the unassessable remainder. It will be seen that no attempt is made to divide paddy land into first class, second class, &c., though the jamabandi officer should always be prepared to consider local variations between one portion and another in the same village. Homestead land, including surrounding orchard has, in accordance with local custom, been treated as part of the assessable area of the tenant. All classes of land which produce at the present time no income for the tenant have been placed in the sixth class, to which it is proposed to give the name "khanit-patit," i.e., "excavated and waste," a term often adopted in zamindari papers and readily understood by the tenants. It has been laid down as a general rule by the Government of India that "assessments have ceased to be made upon prospective assets," *vide* "The Land Revenue Policy of the Government of India (1902), page 47. For this reason culturable waste and culturable jungle have been put in the sixth class along with unculturable land of all descriptions. If, however, any case comes to the notice of the Assistant Settlement Officer in which land has been deliberately left waste in order to escape assessment, the matter should be specially reported to the Settlement Officer with a view to the assessment of the land. Cases should be similarly reported in which the tenant is found to be making an appreciable income from waste land within his tenancy.

For each village in the estate at the time of settlement of rents, the rent settlement proceeding should specify by plots the khanit-patit area and should divide it into two heads—

- (1) grazing lands;
- (2) other waste lands unassessed.

The Settlement Officer should state that the area under grazing grounds is not to be brought under cultivation during the currency of settlement, but that the other waste area will be assessed to revenue from time to time.

The kabuliyats executed by the zamindar or other settlement-holder will include clauses to the same effect as the rent proceeding, i.e., will include a clause to the effect (1) that such and such plots are reserved for grazing and, if brought under cultivation during term of settlement, the lease will be cancelled and fresh settlement made; (2) that such and such plots are "khanit-patit" and when brought under cultivation during the term of settlement will be assessed to rent to be added to the sum for which settlement is now taken after deduction of the same scale of allowances as are now being granted for expenses of collection and any additional allowances in view of improvements made by the lessee.

3. It will be found that the present record-of-rights in the estates now in question differs from all previous record-of-rights in those estates, in that a systematic effort has now been made to distinguish between the different classes of persons who go by the name of "jotdar." It is an unfortunate fact that in many of the Government estates in Bakarganj in which a raiyatwari settlement has been supposed to be in existence, a large proportion of the "jotdars" have turned out to be mere middlemen, the real raiyats having been either ignored or degraded to the position of under-raiyats. In a few cases it has been found possible to exclude these middlemen from the record, but they have generally secured such a foothold in the estate that they cannot be summarily ousted. The evil can, however, be reduced to a minimum by elevating all such "middlemen jotdars" to their true position as tenure-holders, and by recording the actual cultivators as raiyats. The record will be found to have been framed upon these principles by the khanapuri and attestation officers. The jamabandi officer should constantly bear this in mind and should avoid applying the same rules to two different classes of tenants, simply because they have both been designated as "jotdars" in previous settlements. If the jamabandi officer finds in the course of preliminary enquiry that persons who are really tenure-holders have been erroneously classed as raiyats, or *vice versa* he should make a reference to the Settlement Officer, in order that the error may be corrected before further steps are taken.

4. In addition to the middleman jotdars mentioned in last paragraph the jamabandi officer will find in the record-of-rights various other classes of tenure-holders, such as haoladars, osut-haoladars, abadkari-jotdars and others. In all cases in which more than one grade of tenant is found in the record-of-rights he will begin by dealing with the raiyats. From

them he will work upwards to the tenure-holders and downwards to the under-raiyats. He will *not* begin with the tenure-holders and work downwards to the lower grades.

II.—RENTS TO BE PAID BY RAIYATS.

5. As explained in the *Jamabandi* Rules, the procedure which the Assistant Settlement Officer will ordinarily follow in dealing with the raiyats is that of "proposal and acceptance" under section 104A (1) (b). It is clear, however, that unless the Assistant Settlement Officer can justify his proposals upon legal grounds and can enforce them if necessary by the "fixation" procedure of section 104A (1) (d) he is merely playing a game of bluff. The proposals of the Assistant Settlement Officers must therefore be based upon the strictest legal grounds. The law on the subject is mainly contained in sections 30–36 and 52 of the Tenancy Act. A discussion on the general application of these sections will be found in pages 87 to 91 of the Survey and Settlement Manual. It is only necessary to add a few remarks regarding the application of these sections to the particular case of the scattered estates in Bakarganj district. With this view it will be convenient to note briefly what are the local facts with reference to the four possible grounds of enhancement mentioned in section 30, namely, "prevailing rents," "rise of prices," landlord's improvements," and "fluvial improvements."

6. *Prevailing rates*.—Within the estates under settlement it will generally be found that the existing rents have been determined upon a basis of uniform rates. In other words, no change can be made in the existing rents upon the ground of "prevailing rates" except by taking into consideration the rents paid in the neighbouring permanently-settled estates. In the latter class of estates it will occasionally be found that a prevailing rate, as contemplated by section 31, is in existence. It will more frequently be found that it is impracticable to work out for these estates such a prevailing rate as will meet the requirements of section 31 and of the rulings under that section. The provisions of section 31A (by which a "prevailing rate" can be ascertained in any given piece of land with the same mathematical certainty as a centre of gravity can be ascertained in any material body) have not yet been extended to this district.

7. *Rise of prices*.—The tables appended to these notes have been prepared from authorized Government publications. The tables show groups of years as well as single years. They can be brought up to date year by year. Under section 32 two groups of years must always be taken. The first group should generally be the group immediately before the previous assessment; and the second group *must* be the group immediately before this assessment.

8. *Landlord's improvements*.—Government spends every year in this district a considerable sum of money in the improvement of estates. The bulk of the money is spent upon (i) tanks for drinking water, and (ii) embankments for keeping out salt water. The former are certainly "improvements" within the meaning of section 76. Whether they are also improvements within the meaning of section 30 (c), *i.e.*, "improvements by which the productive powers of the land are increased" is open to question. Embankments are sometimes designed to "increase the productive powers" of the land, and sometimes to prevent such productive powers from being diminished. All these points will have to be considered in each case as it arises.

9. *Fluvial improvements*.—In this district the holdings of raiyats are constantly affected by rivers. The change generally takes the form of alluvion or diluvion. Such changes fall within the purview of section 52 rather than section 30. If, however, it can be shown that low-lying land has by fluvial action become higher and more fertile this would apparently be a case of "increase of powers of the land by fluvial action."

10. It will therefore be seen that, apart from increase of rent due to increase of area, the raiyats in the estates now under consideration are, as a body, liable in strict law to pay an increase upon their present rents on the ground of a rise in the price of rice. Whether they are liable as a body to pay an increase of rent or any of the other legal grounds is somewhat doubtful, although a valid case for such increase be made out in respect of individual raiyats or even individual villages. Generally speaking, it will be found that it is unwise to enter upon the slippery grounds of "prevailing rates," "landlord's improvements" or "fluvial improvements." The Assistant Settlement Officer will be well advised if he chiefly confines himself to "rise in prices" when proposing an increase of rent.

11. It is not of course intended that in every estate the Assistant Settlement Officer should propose an all-round rise on the existing rental. Far from it. The estates with which we are dealing are, it will be remembered, for the most part small estates scattered through a permanently-settled area. The Government assessment should be a model of moderation to the surrounding landlords. Before proposing to interfere with the existing rents in the estate under settlement, the Assistant Settlement Officer should carefully compare these rents with the rents now being paid for similar lands in the permanently-settled estates of the neighbourhood. As it is not intended as a general rule to take any formal steps based upon the doctrine of "prevailing rates" he will not be hampered when making this comparison by any legal technicalities. By the aid of the draft record-of-rights of the surrounding estates; supplemented by his personal enquiries among the villagers, he will ascertain what may fairly be taken as the current rate of rent in the surrounding estates.

The figure at which he will arrive may not be exactly a "legal prevailing rate" as contemplated by section 31, nor a "mathematical prevailing rate" as contemplated by section 31A, nor even an "average rate" worked out by simple arithmetic. The figures may have elements of all three in it. It will not be very scientific, but it will suffice to let the Assistant Settlement Officer see whether the rents in the estate under settlement are or are not conspicuously lower than the rents in the neighbouring estates.

12. If the result of these enquiries shows that the rents in the estate under settlement are not conspicuously lower than the rents in the neighbouring estates, the Assistant Settlement Officer should generally refrain from proposing any change. Rates should be adopted which, when applied to the existing classification of land, will leave the rent of each raiyat as nearly as possible unaltered.

13. If, on the other hand, it appears that the rents of the raiyats in the estate under settlement are conspicuously lower than those in the surrounding estates, the Assistant Settlement Officer should not at once assume that it is his duty to secure an increase of rent. He should carefully examine the circumstances of the surrounding estates. If he finds that the landlords in those estates are harsh and oppressive, that the raiyats have agreed to their present rents through illegal pressure, that the rents are paid with difficulty and that the standard of comfort among the raiyats is being seriously impaired, then the Assistant Settlement Officer should refrain from proposing any change. He should act just as if he had found the rents in the estate under settlement to be approximately the same as those in the surrounding estates.

14. It is only when he finds that the rents of the raiyats in the estate under settlement are conspicuously lower than those in the surrounding estates, *and also* that the raiyats in the surrounding estates are considerably treated by their landlords, agreed willingly to their present rents, pay those rents, without difficulty and enjoy a satisfactory standard of comfort, in such a case the Assistant Settlement Officer will be justified in proposing to the raiyats of the estate under settlement that they should pay an increased rate of rent. The increase should be based upon the rise in prices which has taken place. It need not necessarily amount to the full percentage which is legally demandable. In any case the rent of the raiyats in the estate under settlement should not exceed the rent of the raiyats in the surrounding estates. Individual raiyats who have no paddy land, or just enough for their own maintenance, should be specially considered. Such raiyats gain nothing by a rise in the price of rice.

15. Paragraphs 5 to 14 have treated primarily of raiyats holding directly under Government. The Assistant Settlement Officer will also have to deal with the case of raiyats holding under tenure-holders either under the "middleman jotedars" mentioned in paragraph 3, or under the *haoladars* and others mentioned in paragraph 4. As far as possible the rate of rent paid by raiyats holding under tenure-holders should be the same as the rate of rent paid by raiyats holding directly under Government. The raiyats holding under tenure-holders have however often come upon our record now for the first time, at least for the first time as raiyats. Rents have already been fixed by contracts between such raiyats and their immediate landlords. If the rents so fixed are not unfairly high, it will be wise to maintain them as they stand. If they are unfairly high, the Assistant Settlement Officer should try to reduce them by bringing about a compromise between the raiyat and his landlord. In view of the fact that the price of rice has risen, it is doubtful whether the Assistant Settlement Officer can reduce the rent of a raiyat (unless his holding has become permanently deteriorated by sand, etc.), by any means apart from such compromises. Of course when the rent now being paid by the raiyat is on its face not only harsh but illegal, the Assistant Settlement Officer should reduce it to its legal dimension.

16. All rents of raiyats whether holding directly under Government or under tenure-holders will be determined upon the area according to the present measurement. All raiyats will be entitled to the benefits of section 52 and will be subject to the liabilities of the same section. The attention of the Assistant Settlement Officer is, however, particularly called to the instructions on this subject contained on pages 90 and 91 of the Survey and Settlement Manual. It is not intended that this section should be used with harshness and the presumption in favour of the equity of the existing rent must always be borne in mind. Moreover the compromises which the Assistant Settlement Officer effects between tenure-holders and raiyats will often be upon the basis of a lump sum for the existing land other than upon a basis of measurements and rates.

III.—RENTS TO BE PAID BY TENURE-HOLDERS.

17. When the Assistant Settlement Officer has formulated his proposals regarding the raiyats he will be in a position to deal with the tenure-holders. He will now have at his disposal—

- (i) a standard raiyatwari rate applicable to the village as a whole;
- (ii) specific rentals applicable to those raiyats who hold under tenure-holders and who have been specially dealt with under rule 15.

18. The law on the subject is mainly contained in section 7 of the Tenancy Act. It is unlikely that in any of the estates now in question a claim will be put forward to the effect that the rent of a tenure is not liable to enhancement or is governed by a "customary rate"

such as is contemplated in clause (1) of section 7. If any such claim be preferred, it should be at once reported to the Settlement Officer. In ordinary circumstances the rent of each tenure will be dealt with under clauses (2) to (4) of section 7. If we take 5 per cent. of the gross rents due to the tenure-holder to represent his collection expenses, it will be seen that the maximum rent which can be demanded from a tenure-holder who has sublet all his land is 85½ per cent. of his gross rent-roll. Although there is nothing in section 7 about successive grades of tenure-holders, it is to be noted that section 7 is governed by section 191. When the rent of tenure-holders is enhanced under section 191, the enhancement is not limited by the conditions laid down in section 7. It is hoped that the proposals in the following three rules will safeguard the interests of Government and at the same time deal fairly with *bond fide* tenure-holders.

19. The following is the proposed general rule for the assessment of tenure-holders:—

- (i) Every tenure-holder shall pay rent on the under-mentioned scale for the land in his immediate possession:—

Tenure-holder of the 1st degree ...	85 per cent. of the standard raiyati rates of the mauza.
Tenure-holder of the 2nd degree ...	90 per cent. of the standard raiyati rates of the mauza.
Tenure-holder of the 3rd degree ...	95 per cent. of the standard raiyati rates of the mauza.
Tenure-holder of the 4th degree and onwards.	The full standard raiyati rate of mauza.

- (ii) Subject to the limitations mentioned below, every tenure-holder shall pay rent for the land which he has sublet at the rate of 85 per cent. of his gross rent-roll:—

- (a) In estates which are the property of Government the revenues payable by a tenure-holder of the 1st degree must in no case fall below 70 per cent. of the annual value of the tenure [calculated upon the rent fixed for the raiyats, combined with the rent fixed for the immediate lands of the various grades of tenure-holders under clause (i)]. The margin, which will never exceed 30 per cent., will be distributed, in such manner as appears just, among the various grades of tenure-holders.
- (b) In estates which are private property and are covered by tenures the proprietor will in the ordinary course be offered settlement hereafter at a sum not less than 70 per cent. of the annual value of all the tenures [calculated on the rent fixed for the raiyats combined with the rent fixed for the immediate lands of the various grades of the tenure-holder under clause (i)]. This fact should be borne in mind and the margin, which will not exceed 30 per cent., should in such cases be distributed, in such manner as appears just, among the proprietor and the various grades of tenure holders.

Explanation (i).—In the case of estates which are the property of Government the allowance of 30 per cent. to tenure-holders is by no means obligatory. This figure should be considered as the maximum allowance, which is not to be exceeded without special sanction of the Board of Revenue. In ordinary cases a smaller percentage should suffice.

Explanation (ii).—In the case of estates which are private property the allowance to proprietors and tenure-holders includes the malikana of the former. In this class of estates the total allowance will therefore approximate more frequently to 30 per cent. than in the case of Government estates. But even in private estates the total allowance can not exceed 30 per cent. without special sanction of the Board of Revenue.

Explanation (iii).—In distributing the allowance in either class of estate among the various grades of tenure-holder, the origin and history of each tenure should be considered. Tenure-holders who have devoted labour and capital to the improvement of the estate deserve preferential treatment compared with middleman whose only connection with the estate has hitherto consisted in the appropriation of a portion of the assets.

Explanation (iv).—The settlement of land revenue between proprietors and Government will be carried out by the Settlement Officer and the higher revenue authorities under Regulation VII of 1822 and not by the Assistant Settlement Officer who is fixing fair rents under Part II of Chapter X of the Tenancy Act. As, however, the proceedings under Chapter X are a necessary preliminary to the settlement of land revenue, it is essential that the Assistant Settlement Officer should bear in mind the principles which will be adopted at the final stage.

20. Nothing in rule 19 shall be held to apply to any tenure-holder who can show that he is entitled by the terms of a contract binding against Government to have his rent calculated upon principles other than those contained in rule 19.

21. In the absence of a specific contract to the contrary, the provisions of section 52 regarding change of rent with change of area apply to tenures as well as to holdings.

22. The rules contained in this chapter are not intended to imply that every tenure which is embodied in the draft record should be recognised by Government in the coming

settlement. It is essential that the record should contain an entry in respect of every tenure which was found in existence during the preparation of the record-of-rights. When, however, fair rents are fixed for a future period, Government is entitled to examine each tenure and to ignore those which are not binding against Government. A tenure is not binding against Government which has been created, directly or indirectly, by a person whose interest terminates absolutely with the current settlement or whose interest is liable to so terminate in the event of certain circumstances which have in fact occurred. In his preliminary report the Assistant Settlement Officer should draw the attention of the Settlement Officer to all tenures which are legally liable to be ignored in the coming settlement. He should set forth clearly the history and present circumstances of each such tenure in order that an equitable decision may be arrived at in each case. The Settlement Officer will decide, after consulting the higher authorities when necessary, whether any such tenure should be ignored in the coming settlement. When a tenure is ignored it will still remain in the record, but in place of a fair rent for the coming settlement there will be a note against this tenure "not binding against Government: ignored in the coming settlement." It is to be borne in mind that Government retains the power of ignoring unauthorized tenures over and above the power of enhancing the existing rent.

IV.—RENTS TO BE PAID BY UNDER-RAIYATS.

23. In the Jamabandi Rules the attention of the Assistant Settlement Officer has been drawn to sections 48 and 113 of the Tenancy Act, to paragraph 14, page 94, of the Survey and Settlement Manual, and rule 45 (f) of the Bakarganj Attestation Rules. The general purport of these rules and instruction is that in ordinary cases the Assistant Settlement Officer may leave unchanged any contract with which the parties are mutually satisfied. Upon the application of either side the contract may be revised. If this be done the limits prescribed by section 48 must be observed—that is, the under-raiyat's rent may be 50 per cent. over the raiyat's rent *for the same plots* if there is a registered lease between the parties: if not, the excess cannot exceed 25 per cent.

V.—MISCELLANEOUS.

24. The attention of the Assistant Settlement Officer is drawn to sections 8 and 36 of the Tenancy Act and to paragraph 7, page 91, of the Survey and Settlement Manual. These rules deal with "progressive enhancements." When the enhancement proposed is likely to create hardship if suddenly brought into force, the Assistant Settlement Officer should always recommend a progressive enhancement. The financial circumstances of the person concerned should always be considered. Whether the tenant is or is not dependent on this tenancy for his livelihood is an important factor in the case. It has been doubted whether enhancements under section 52 can be legally made progressive. Whatever be the case between private parties there is no doubt that Government will make no objection on this score, provided that it be a genuine case of hardship. It is in fact clearly stated by the Government of India that "the question is not really affected by the grounds on which the enhancement is made: a heavy addition to the assessment is as disturbing if justified by a large increase of cultivation as if resulting from a rise in valuation rates," *see* "Land Revenue Policy," page 38. All proposals for progressive enhancements should be embodied in the preliminary report of the jamabandi officer in order that the sanction of the Settlement Officer may be obtained. The stages of each progressive enhancement should be fully explained.

25. No suggestion has been made in this note for the assessment of rent upon considerations of soil maps, or the margin of cultivation, or a percentage of the gross produce, or percentage of the net produce, or the average cost of living in a joint family of the cultivating class. These somewhat Utopian methods of procedure are not recognised by the Tenancy Act, which goes upon the broad practicable basis that the existing rent is assumed to be fair and that it can only be altered when the surrounding circumstances alter. As a fitting conclusion to this note, I reproduce the authoritative declaration of the Government of India.

"The truth is that assessment of land revenue is subject to so many complicated and varying conditions that any attempt to reduce it to an exact mathematical proportion either of gross or of net produce would not only be impracticable, but would lead to the placing of burdens upon the shoulders of the people, from which, under a less rigid system, if sympathetically administered, they are exempt. Nor must the influence of the personal equation be ignored. Those who are familiar with the realities of assessment know well that among Settlement Officers there is a growing inclination towards leniency of assessment; and that this spirit is encouraged by the avowed policy of Government, of the considerateness of which the progressive reduction of the State demand already indicated affords conclusive proof. The more the officers of the Government know of the people, and the more intimate their mutual relations become the less likelihood is there of severity in the enforcement of public dues. In no official relation does a member of the public service come into such close contact with the people as in settlement work; and it cannot be his desire to aggrieve those among whom he is spending some of the most laborious years of his life,

or to initiate a settlement which, after a short interval, will break down. Every natural instinct and every recent injunction of the Supreme Government urge him to reasonableness and moderation." (Land Revenue Policy, pages 19 and 20.)

It will be observed that the case of the Sundarbans, where assessment began at a much later date, was expressly reserved for further consideration. The principles adumbrated in these "Notes" were however in the main applied to the Sundarbans. Such modifications as were subsequently made will be hereafter explained.

357. Both in the Sundarbans and in the rest of the district the system of assessment prescribed in these rules involved in its actual working a comprehensive change from the system of assessment

Comprehensive change from previous system of assessment.

previously in force. As will be remembered the Government revenue had usually been previously based upon rates of rent fixed for *hauladars* or other grades of tenure-holders. By these rules it was to be based upon the rents paid by the *rai-yats* [Rule 19 (ii) (a) and (b)]. Moreover where the *jotedars* were in fact middlemen, they were to be classed as tenure-holders and the rents paid by their tenants, the cultivators, to be taken as the basis for the calculation of Government revenue.

The rents of the *rai-yats* might or might not be varied. This was left to the discretion of the revenue authorities, wherever the conditions of the estate legally permitted variation. But the rents of the tenure holders and the revenue of the proprietors were no longer to be assessed as formerly by reference to the area and classification of their land or by uniform rates applied to all classes of tenure-holders and fixed on a consideration of the soil; they were in future to be assessed at a percentage of the rental paid by the *rai-yats*. Where land was reserved by the proprietor or a tenure-holder, it was to be valued at a somewhat lower rate than that paid by *rai-yats* and the valuation was to be treated as part of the *rai-yats*' rental of the tenure or estate, upon which the Government would take a percentage as its revenue.

358. Of the total *rai-yati* rental of an estate, 70 per cent. was fixed as the Government revenue and 30 per cent. was fixed as the maximum allowance for proprietors and tenure-holders. This allowance was to be divided between the proprietors and all grades of tenure-holders with reference to the proportion of the profits which each had previously enjoyed. Thirty per cent. had long been the proprietors' allowance in alluvial accretions under the orders of the Board of Revenue and, where there were no middlemen between the proprietor and the *rai-yats*, these rules effected no change in the position of the proprietor. In the usual *Bākarganj* estate however there were several grades of middlemen and here the new system involved a comprehensive alteration. Formerly in a

Great reduction in the profits of middlemen.

private estate the allowance was calculated on the proprietors rent-roll, and the profit made by the various middlemen was additional thereto, while in a Government estate in which each grade of tenure-holder was allowed its own rates of profit, the difference between the revenue and the rent of the lowest grade of tenure-holder was often more than 30 per cent. in itself and the profit which that grade retained out of the rent paid by the *rai-yats* was additional. The effect of the change of system in such estate was therefore considerably to curtail the existing profits of both proprietors and tenure-holders and although an enhancement of the rents paid by the *rai-yats* might mitigate the loss, it was rarely, if ever, that it was able completely to compensate it.

359. At first sight it may seem that this was harsh treatment for both tenure-holders and proprietors. It certainly surprised them. But the great prosperity of *Bākarganj* justified an increase in the land revenue and an increase in the land revenue can only be obtained by a reduction in the income of one or other of the classes interested in the land. In former assessments an increase in revenue had always been obtained at the expense of the cultivators and the

Increase in land revenue obtained chiefly by this means and not by increase of rental of cultivators.

profit of proprietors and tenure-holders so far from suffering had usually been increased along with the revenue and also at the expense of the cultivators. The aim of the present assessment was to obtain the increase out of these swollen profits and to leave the rents of the cultivators untouched, unless they were conspicuously below the average of the

neighbourhood. Neither proprietor nor tenure holder had any real claim upon his swollen profits. If the proprietors in a private estate or the lessee in a Government estate had sublet to middlemen in order to relieve himself of the risk and burden of management, it was just that he and not Government should be mulcted to provide their profits. It was rarely, if ever, that Government had shared in the responsibility for the creation of tenures. Moreover all the elaborate investigations made during the progress of assessment went to show that little attention and less capital had been devoted by the tenure-holders as a body to the reclamation of the land. Seventy in a hundred of the middlemen were absentees and many were money-lenders who regarded the cultivators less as tenants whom it was their duty to assist than as clients whom it was their business to exploit. The great majority of the tenure-holders only visited their tenants in order to collect rent from them and rarely helped them in time of trouble. Much of their profit was the unearned increment which they had obtained from repeated enhancements of rent. The

Justification of this procedure. cultivators everywhere complained of the levy of abwab, which the law has made illegal, and everywhere expressed an ardent wish to pay their rents direct to the Government officials and not through the medium of the tenure-holder. The tenure-holders were in fact a useless burden, which both Government and the cultivators would be happier without. It was therefore in accordance with the fitness of things that such increase as was justifiable in the revenue should be obtained at their expense and not at the expense of the cultivator. The day of the middlemen had gone. Indeed the tenure-holders recognized this themselves. At first, there was some natural discontent, but latterly it was surprising how calmly they accepted the new order of things, the more so in view of the rebellion which had been apprehended thirty years before. It is not to be supposed that they felt no resentment, but they found a difficulty in expressing it in view of the evident approval with which the new order was greeted by the cultivators.

To avoid misconception it should be added that the tenures in the temporarily-settled area were rarely more than a small part of their holders' income. In most cases other and more profitable lands were held in permanently-settled estates, while a very large number derived their chief support from money-lending.

360. Two other points in the system of assessment merit some remark. It was rarely that the revenue officers were called upon to revise a uniform scale of rents and accordingly it was rarely that the provision in the rules for the enhancement of the rent of raiyats was brought into force. Such cases however occurred in some alluvial accretions in which the fertility of the soil had so evidently been improved by fluvial action that that justification for enhancement was invoked. In other cases the rise in the price of rice, the staple food crop, has been so continuous during the thirty years previous to the period of assessment that it afforded in itself ground for more than a sufficient enhancement. The average price of rice in the different periods in which the previous assessment commonly took place was—

Method and justification where rent of raiyats was enhanced.

				Rs. A. P.		
In the 8 years ending 1883	...	...	...	1	15	10 per maund.
" 10 " " 1889	...	...	...	2	0	9 "
" 10 " " 1893	...	...	...	2	7	2 "

Whereas for the 10 years ending 1903, when assessment first began, it was Rs. 3-5-4 and subsequently it rose even higher. In the greater majority of the estates however the rents of the raiyats had been fixed by private contract and exhibited the greatest variety. In these cases if the contract were legal, it was impossible under the law to reduce the higher rents and, although the legality of contracts was often open to suspicion, it was rarely that illegality was capable of proof, when the existing rents had already been paid for a considerable period. The usual method adopted in the assessment was to strike an average of the various rents actually paid and to enhance

lower rents to this figure or when this involved a heavy enhancement to an amount somewhat less. This was justifiable legally on the ground of the prevailing rate in the estate, but the enhancements were rarely, if ever, more than was equally justifiable on the ground of rise in prices. It follows that in few estates were rents fixed upon soil rates on a classification of the land and that only a small area was left out of assessment as fallow, culturable or unculturable. In a Bākarganj estate, and particularly in alluvial accretions, the great bulk of the land is rice-land of uniform fertility. Often, apart from homesteads which according to Bākarganj custom are usually assessed in permanently-settled estates at the same or a higher rate than cultivated land, the uncultivated area was negligible. Indeed in assessments made at the latter part of the proceedings it was so insignificant a proportion of the whole estate or of any single holding that it was found more convenient for all parties to adopt all-round rates and to leave any classification of the land out of the case.

361. It is unusual to present a report on the assessment of an area nearly 500 square miles in extent without any reference to the produce or classification of the soil or to other agricultural conditions, which are generally described in the assessment reports of other parts. The anomaly however proceeds from the facts of the case. Except in the Sundarbans and in parts of Sāhābāzpur, the estates under assessment are surrounded on all sides by land under permanent settlement, in which the soil is identical and the rents have been determined under the influence of custom and of supply and demand. In these estates the revenue officers were confronted with rents which were either the result of a private contract which they had not legally any

Justification of the system of accepting rates fixed by contract as the basis of assessment.

power to reduce and which they had but rarely any desire to enhance, or, if not so determined, were always lower and often conspicuously lower than the rates paid for similar land in the neighbourhood. In the latter case reassessment became merely a question as to what proportion of the difference it was advisable to take. In the Sundarbans and the south of Sāhābāzpur, where the areas were so large and compact that there were no neighbouring permanently-settled lands in which the rents of the cultivators could be adopted as a guide to assessment, there were usually middlemen in contract with whom the rents of the cultivators had been determined or, if in some few cases there were no middlemen, there were at least neighbouring estates with a similar soil in which middlemen had fixed by private contract the rents of their raiyats. Indeed in 70 per cent. of the whole area the existing rents of cultivators had been fixed by private contract and not determined by any previous Settlement Officer. In such circumstances soil classifications and similar considerations were unnecessary. The Board of Revenue had decided (paragraph 15 of the "Notes on Principles") that rents based on private contract should not generally be increased, while the law had directed that they should not be reduced. It followed that in the vast majority of cases all that the revenue officer had to do was to accept the existing rent. In a few cases enforcement of the contract involved an increase of rent, as there had been an increase in area or cultivation, and in other cases, when contractual rates differed widely in the same estate, a minimum rate was fixed and rents below it raised to its level. Thus private contracts were the basis of the new assessment not only in the case of those cultivators who had entered into them but also in the case of those cultivators whose existing rent had been determined by a previous settlement officer; but in the latter case the assessed rate never reached the full pitch of the contracts and was usually 25 per cent. below it. This readiness to accept existing contracts was no doubt due to the fact that the average rate of the contracts was usually a little above the average rate of rent in the permanently-settled area, because most of the land in the temporarily-settled area being either alluvial or lately reclaimed from forest is more fertile than the land in the rest of the district. The revenue officer had no legal power to reduce rents based upon contract, nor except in a few cases and a few estates was there any reason why he should do so, as the average of these rents was not more than 10 per cent. of the gross value of the produce or more than 15 of its nett value. In the whole area under assessment the average rate of rent fixed for raiyats under middlemen is Rs. 4 10 per acre or,

where based on contract only, five rupees per acre, whereas the average rate of rent paid by raiyats throughout the district is Rs. 4-8 per acre. In the case of raiyats under Government or the proprietor, where there were no private contracts and rent was determined by the revenue officer, the average rate in the whole area is Rs. 3-5 per acre. In Sāhābāzpur the average rate of raiyati rental is Rs. 3-2 per acre, whereas in the temporarily-settled area under revision of land revenue it is after reassessment Rs. 3 for khas raiyats and Rs. 3-14 for raiyats under middlemen. In the Sundarbans the rates after reassessment are Rs. 3-3 per acre for khas raiyats and Rs. 5-6 for raiyats under middlemen in comparison with an average rate of raiyati rent of Rs. 6-6 in thana Patuākhālī, Rs. 5-8 in thana Matbāriā, and Rs. 6-2 in thana Amtali. The estates in the rest of the district are too scattered to make any comparison profitable.

362. It may seem a simple business to assess in Bākarganj, when the soil was not classified and contractual rents largely accepted, but every estate needed the most careful enquiries both into the previous papers and into its local history, while the claims of the various grades of tenure-holders usually required most detailed examination. Apart from this *benāmi* was universal. In both tenures and holdings absentee middlemen masqueraded under the name of resident cultivators, while in an astonishing number of estates orders passed by the higher revenue authorities had been ignored or misapplied, titles which were not valid had been recognised and usurpations by the local revenue staff, which were irregular, had been made. Fraud was rampant and there were cases of positive forgery. We marched through rapine and corruption to the revision of land revenue. It was not likely that every irregularity was detected or every crooked path made smooth, but light was thrown into many dark places. It may be hoped that when the Augean stable has been thoroughly cleansed, no dirt will again be allowed to accumulate in it. But Bākarganj is a curious place and only two years ago the settlement authorities were able to prevent, when it had almost succeeded, a fraud by the subordinate revenue establishment in the latest alluvial accretion. No estate was completed without a complete investigation under the eye of the Settlement Officer and this was no small part of the labours of the staff engaged in the revision of land revenue.

363. The principles of assessment were to some small extent modified, as experience was gained. The most important modifications were connected with the treatment of jotedars and the assessment of waste. A change was necessary in the treatment of jotedars as a result of civil suits brought by some money-lenders in chars Chāndrāl and Chiknikāndi. The suits were ultimately withdrawn on compromise under the orders of the Board of Revenue, who directed the revision of the record-of-rights in some particulars. It will be remembered that *karsādārs* had been classified as tenure-holders under the rules, when they were not of the cultivating class and had sublet their lands. In accordance with paragraph 15 of the "Principles," such jotedars were assessed as tenure-holders and therefore at a rental usually of 80 or 85 per cent. of their own collections. Jotedar tenure-holders of this kind were very common in the temporarily-settled area, chiefly as a result of the careless proceedings of the previous Settlement Officers in the period 1880 to 1890. They had been recorded in the settlement papers and in the jamabandi as "raiya" and very often a kabuliyat had been taken from them or a patta granted to them in the printed form for "occupancy raiya" or "for non-occupancy raiya." Many of these cases occurred in the accretions which were resumed in the diara survey of 1878 to 1881 and were clearly in error, as the jotedars held tenures in the mainland to which the char had accreted and were thus indubitable tenure-holders in accordance with the terms of section 4 of Act IX of 1825 by which their title in the accretions was secured to them. But there were other cases in which the classification was not so clear. The whole subject was exhaustively discussed early in 1908 at the time when the suits were filed. It was found that classification of jotedars as tenure-holders had been somewhat too freely made at attestation. The Director of Land Records in his very full

Prevalence of fraud and irregularity and great labour involved in dealing with it.

Subsequent modifications (a) in the treatment of jotedar tenure-holders.

report* on the subject explained that "there was a general desire on all hands to be recorded as tenure-holder; not only middlemen, but actual cultivators pressed to be so recorded. The claims of the actual cultivators to be recorded as tenure-holders were generally rejected; but the bulk of the middlemen was so recorded." At the time of assessment such tenure-holders found that the rents determined for them at 80 or 85 per cent. of their rent-roll were generally considerably greater than the rents determined for *bonâ-fide* cultivators under the same landlord. This was due to the severity of the rents taken by such tenure-holders from their tenants in comparison with the moderation with which Government assessed its own cultivating tenants. Very few of the jotedar tenure-holders objected, but when objection was made it was based upon entries in previous settlement papers or in kabuliyats. Moreover there were cases in which the tenancy had passed by succession or sale from a *bonâ-fide* cultivator to a middleman and although "once a raiyat always a raiyat" might not be the law of the Tenancy Act, the mere denial of the maxim was slippery ground upon which to fight a civil suit. The Settlement Officer was no doubt empowered by section 14 of Regulation VII of 1822 to make a change in the classification of any tenant, but where there was a previous admission in jamabandi or kabuliyat, the Civil Courts were unlikely to uphold a change in classification, unless the proof of previous error was both circumstantial and convincing. Convincing evidence was often forthcoming but it was not circumstantial, while in many cases the origin of the tenancy was enshrouded in the mists of time. In general the rule of classification adopted in preparing the record-of-rights has been strongly supported by a recent ruling of the High Court, but after the discussion and the orders of the Board of Revenue in connection with the civil suits a close examination of the case of all pseudo-raiyats was made. Where there was no previous admission in a settlement proceeding and the tenant appeared to be correctly classified as a tenure-holder, he was assessed under the old rule. Where there was such an admission or where the tenant, although a pure middleman, had purchased the holding of a *bonâ-fide* raiyat, every attempt was made to obtain his consent to his classification as a tenure-holder by increasing his rate of profit or by applying the same rates of assessment to him as were applied to raiyats under the same landlord. In the few cases in which consent was not obtained, he was perforce classified as a raiyat and his under-tenants as under-raiyats; but section 48 of the Bengal Tenancy Act was applied strictly to the rents of the under-raiyats and when it was found that they exceeded the legal maximum they were reduced. Another method adopted in a few estates where tenants of this kind were found and also where ordinary raiyats had sublet a considerable part of their lands was to enhance the rent of raiyats to the maximum allowed by law and then to grant a set-off to *bonâ-fide* cultivators only as an allowance for the cost of cultivation. This method gave no status or relief to the under-tenants; but it ensured that a middleman obtained no pecuniary advantage by standing upon his status as a raiyat.

364. As regards waste-land, including fallow, the rule in the second paragraph of the "Principles" was not to assess any land which brought in no income to the tenant. This rule had in any case only a limited application, as all rents based upon contract which were accepted covered all the lands of the tenancy whether waste or cultivated. In two classes of estates however the rule was not applied in the later assessments. In fully developed estates it was found that waste and fallow occupied so insignificant a proportion of the land of the whole estate or of any individual tenancy that to omit it involved tedious calculations for trivial deductions. All-round rates were therefore substituted and so contrived as to produce the same revenue as slightly higher rates on cultivated land only. All-round rates were also adopted for other reasons in alluvial estates, chiefly in the south of the Sâhâbâzpur island, which were in process of being broken to the plough. In such estates all the land of each tenancy was culturable and the tenant was gradually bringing it

* Director of Land Records' No. 233 J., dated 19th March 1908, to the Secretary to the Board of Revenue.

under cultivation, but some were laggard. To leave fallow out of assessment involved frequent *charchā* (interim) surveys every few years, if revenue was not to be sacrificed. Such surveys are a nuisance to the Collector and the raiyat alike, besides being the occasion of much fraud and much extortion. At the same time such estates were overrun by deer, pig and buffalo who did much destruction to the crops; and it was essential to protect the crop of the industrious cultivator who brought all his land under the plough from the ravages of the beasts which found a shelter in the jungle which a lazy neighbour had permitted to remain. To suit these circumstances a moderate occupancy-rate was adopted such as the land was well able to afford and a period was determined within which the tenants might expect with reasonable diligence to bring the whole estate under cultivation, the difference between the existing rent and the eventual rent of each tenant being then added as an enhancement to the existing rent by progressive instalment spread over the period adopted. The period usually adopted was 12 years and the method was popular with the tenants and at the same time valuable and convenient to the estate. A full revenue is assured, tedious interim measurements are avoided and the estate will be brought rapidly to its full development, as the more the tenant anticipates his instalments by reclamation of the whole area the greater will be the return which he obtains.

365. One development of the rules, which provoked many appeals was confined to Sāhābāzpur. Here in the haoladari estates (c) in the discrimination between resident and absentee tenure-holders. most of the haoladars reside outside of the district, but the smaller haolas are usually held by cultivators who reside in the estate. In such cases two scales of allowances were given, the higher for the resident haoladars and the lower for the absentees on the broad ground that a resident must in the nature of things be more valuable to an estate than an absentee. Absentees however who proved expenditure on improvements in the estate were given the higher rate of allowance. The appeals against this discrimination were all unsuccessful.

366. Two matters not mentioned in the "Principles" deserve remark. A large number of the estates under assessment had previously been let in farm. By arrangement with the Collector all these farms were terminated. In Bākarganj however it is one thing to terminate a farm and another thing to get rid of the farmer. It was necessary to examine most carefully into the tenancies so that fictitious or *benāmi* holdings created by the farmer in his own favour should not be admitted into the estate. It may be hoped that this marks the end of the wasteful and dangerous system of letting estates in farm in Bākarganj. An attempt was also made to end the system of rent in kind, which was too common under middlemen in these estates.

Termination of farms. Commutation of produce rents. Tenants were advised to apply for commutation; and applications were usually granted in accordance with the terms of section 40, Bengal Tenancy Act. As a result tenancies held at a produce-rent are now very rare in the temporarily-settled area. A point of detail which gave great trouble was the application of section 22, Bengal Tenancy Act, as amended up to date, which provides that when the landlord purchases the occupancy holding of any of his tenants he shall hold the land as proprietor or tenure-holder and not as a raiyat and when one of several co-sharer landlords purchases the holding he shall pay to his co-sharers a fair and equitable sum for the use and occupation of the same, such sum being determined by the rent which an occupancy raiyat would have paid. Purchases by co-sharer landlords were not uncommon and presented great difficulties during assessment not only in determining the "fair and equitable sum" to be paid to the remaining co-sharers, but also in the entry of the transaction in the record-of-rights. At first it was the practice to prepare a separate khatian for the purchaser landlord; but as there was in law no corresponding tenancy, the khatian was an anomaly and was discontinued in favour of the entry of the plots in the khebat of the purchaser accompanied by a detailed memorandum of the facts which found a place also in the khebats of his co-sharer landlords. The determination of "a fair and equitable sum" was in practice often left to private agreement between the co-sharer landlords.

Statistical summary of estates under assessment apart from the Sundarbans.

367. The estates under revision of land revenue in the district apart from the Sundarbans covered an area which was distributed as follows:—

	Number of estates.	AREA IN ACRES AT PREVIOUS SETTLEMENT.			AREA IN ACRES AT PRESENT SETTLEMENT.		
		Assessed.	Un-assessed.	Total.	Assessed.	Un-assessed.	Total.
Sāhābāzpur Island...	62	92,476	26,109	117,585	121,637	17,774	139,411
Bākarganj Mainland	175	32,265	8,852	41,117	32,094	6,300	38,394
Total ...	237	124,741	33,961	158,702	153,731	24,074	177,805

Most of these estates are on the banks of rivers and the reduction in area is due to diluvion. The areas returned at the previous settlement often included stretches of mud uncovered at low tide, some of which was occasionally assessed at a nominal rate.

In the Sāhābāzpur island.

368. Grouped according to their origin and ownership, the figures of the estates in the Sāhābāzpur Island, including Manpurā, exhibit the following results:—

	No.	PREVIOUS ASSESSMENT.		PRESENT ASSESSMENT.	
		Area in acres.	Revenue in rupees.	Area in acres.	Revenue in rupees.
Alluvium belonging to Government	27	66,189	86,728	87,144	1,92,115
Alluvial accretions belonging to private proprietors.	35	51,396	86,020	52,267	1,22,226
Total ...	62	117,585	1,72,746	139,411	3,21,341

In these estates all farms were, as elsewhere, terminated with the approval of the Collector. Twenty-two of the estates were held raiyatwari and thirty-six by tenure-holders of which twenty-five, including all the largest estates, were held by haoladars after the Noakhali pattern. Of the remaining four estates, two were held by so called raiyats who were in fact middlemen and two by talukdars with subordinate tenure-holders.

Where land was held directly by raiyats of the proprietor, whether Government or a private individual, the present compares with the former assessment as follows:—

ASSESSMENT UPON RAIYATS WHERE NO MIDDLEMAN INTERVENES.						
		Before assessment.			After assessment.	
		Area in acres.	Rental. Rs.	Rate per acre. Rs. a.	Area in acres.	Rental. Rs. Rs. z.
Government alluvium ...		17,120	25,305	1 8	17,202	51,103 3 0
Private accretions ...		7,939	16,678	2 2	7,537	22,345 3 0
Total ...		25,059	42,283	1 11	24,739	73,448 3 0

The assessed rate when compared with the rates prevailing in the permanently-settled estates in Sāhābāzpur and with the rates taken by middlemen in the estates themselves is extremely moderate. At the previous

settlements large areas of land at that time unfit to bear a crop were included in the holdings and assessed at a nominal rent. In the present settlement practically the whole of these lands had not only been brought under the plough, but were also extremely fertile. This explains the apparently low rate of rent before assessment.

The assessment upon middlemen is compared with the previous assessments in the following statement:—

	PSEUDO-RAIYATS.		TENURE-HOLDERS.		TOTAL.		Area reserved by middlemen.	AREA SUBLET BY MIDDLEMEN TO RAIYATS.	
	Area.	Rent.	Area.	Rent.	Area.	Rent.		Area.	Rent.
	Acres.	Rs.	Acres.	Rs.	Acres.	Rs.		Acres.	Rs.
Before assessment	8,985	14,337	76,527	1,27,551	85,512	1,41,886	23,209	62,303	2,11,538
After ditto	9,208	23,433	95,539	2,34,043	1,04,747	2,57,476	42,128	62,619	2,44,109

After reassessment the average rate of rent payable by raiyats to middlemen becomes Rs. 3-14 per acre and the increase allowed upon the pre-existing rental becomes 15 per cent. The greater part of this increase was due to extension of cultivation in individual holdings, which had been made possible by the deposit of silt during the currency of the last settlement.

The average rent assessed upon middlemen paying direct to Government or the private proprietor is Rs. 2-7 per acre and the surplus of the rents collected by middlemen over the rents payable by them, which was Rs. 69,650 before reassessment, was curtailed by reassessment, to a deficiency of Rs. 13,374. If the special case of Bhutā be excluded, the surplus would be Rs. 23,575. The middlemen however held in addition 42,128 acres in their own possession, of which the immediate letting value is considerable and the letting value after a few years will be more than a lakh rupees.

The allowances granted to the proprietors of private estates were reduced from Rs. 17,764 to Rs. 9,721. The reduction was due to the adoption of the principle that the profits of middlemen should operate to reduce the profits of the proprietor.

309. Sāhābāzpur originally consisted of five distinct islands separated by wide rivers. Four of the islands were permanently, while the fifth (Manpurā) was resumed apparently as Sundarban forest not included in the decennial settlement. The rivers between the other four islands have gradually dried up so as to form a single large island, to which a large accretion adhered in the north-east about 1840 and a long belt of accretion in the north-west in more modern days. In the south a very large accretion has been continuously forming since the Permanent Settlement. The temporarily-settled area in Sāhābāzpur thus consists of Manpurā, two blocks of alluvium in the north, a large stretch of country in the south and the dried-up beds of the intersecting rivers. The resumptions in the north-west are somewhat scattered and a considerable part of them did not come under assessment. The large block in the north-east which measures 31 square miles with a revenue of Rs. 48,230 contains nine estates, of which four with an area of $10\frac{1}{2}$ square miles and a revenue of Rs. 12,878 did not come under assessment. In the dried-up beds of the intersecting rivers are 28 temporarily-settled estates with an area of 35,242 acres (55 square miles) and a revenue of Rs. 97,956, of which all but three (covering an area of 1,744 acres and with a revenue of Rs. 4,649) came under assessment. The large accretion in the south covers an area of 124 square miles (excluding char Madras) and contains 14 estates with a revenue of Rs. 1,56,613, of which all came under assessment, except three which are still largely jungle and grass. They cover an area of 16 square miles with a present revenue of Rs. 1,821 only.

70. The scattered estates in the north and west do not require any extensive description. Bāgmārā, Samaiā, Ilā and Rames are new and fertile chars. Samaiā is uninhabited, while Rames and Bāgmārā are not yet completely broken to the plough. In Ilā there is a talukdar and the

Description of temporarily-settled area in Sāhābāzpur.

Sub-group in north and north-west Sāhābāzpur.

usual complement of haoladars who take a rent of Rs. 5-9 per acre so that the revenue is Rs. 2,324 on an area of 802 acres. Rames, Samaiā and Bāgmārā are under raiyatwari settlement, the rate per acre being Rs. 3, 2-10 and 1-2 respectively. The soil is very similar and there is no reason why the two latter estates should not have been assessed at the general Sāhābāzpur char rate of rupees three per acre; but they were assessed at an early stage in the proceedings, when the necessity of a uniform rate for chars of a similar fertility had not been grasped. Rames is in a most unsatisfactory state. A settlement with cultivators was ordered, but a company of money-lenders obtained 548 acres by a trick, while only 226 acres are held by *bonā file* cultivators. The money-lender "raiylats" were assessed at the maximum enhancement allowed by the law, but even so their profit is considerable, as they take high rents from their under-raiyats. Char Pāngāsyā was the subject of a similar trick, when the wife of the then Settlement Officer and a Bholā mukhtear were introduced into the char in the guise of cultivating raiylats. During the present settlement they were however got rid of in all except a small portion of the char. The two Rājāpur chars and Ganespurā are under hāolādārī settlement and the raiylats are not very happy. The company of money-lenders, generally known as the Bholā Land Company, holds haolas in all three estates. In Ganespurā many fictitious holdings had been created in order to deprive cultivators of their legal rights as raiylats. Ganespurā is rapidly diluviating: it once measured three thousand acres, but now measures less than a thousand.

371. The estates under assessment in the north-eastern block were all large and held by haoladars. Some of the estates were resumed as islands and therefore belong to Government; the others belong to the Dakshin Sāhābāzpur zamindars, who have however been recusant for fifty years. The rents in these estates have been fixed at Rs. 3-12 or Rs. 4 per acre and are low, as the land is fertile, so that the tenants are generally prosperous enough although some of the haoladars levy high abwabs. A Faridpur money-lender holds extensive haolas in Bairāgyā and Madanpurā and most of the larger haoladars in all these estates reside in other districts. One feature common to all the estates was the creation by tenure-holders of fictitious holdings in their own favour, in order to deprive the cultivators of their legal rights as raiylats, thus in Bairāgyā 150 and in Madanpurā 27 such fictitious holdings were cancelled while in Bhāsan Laptā Madanpurā the whole estate is covered by two such fictitious holdings, created by farmers during the continuance of the farm, which had been recognised in a previous settlement and could not be avoided. Madanpurā is a contrast to the other estates in this group and indeed in Sāhābāzpur generally, as the tenants are dispirited and in debt. There is a marsh in the centre of the mauza and they suffer from bad health, while they get no assistance or attention from their talukdar or hāolādārs. As a consequence no increase in the rent of tenants was attempted. The assessment of these estates is detailed below:—

NAME.	Tauzi No.	Area in acres.	Revenue assessed. Rs.	Rate per acre assessed on raiylats. Rs. a.	Allowances of haoladars.
Madhupura ...	5215	2,217	5,977	3 12 {	25 per cent. resident. 20 per cent. non-resident.
Bairagya ...	5216	4,512	14,080	4 0	Ditto.
Madanpura ...	5233	3,797	8,514	3 12	20 per cent.
Padma ...	5234	1,944	4,156	3 12	33 ¹ / ₃ "
Bhasan Laptā Madanpura.	5232	674	2,625	4 0	20 " jotedars.

372. A few of the estates in the dried-up beds of the old internal rivers were resumed as islands and belong to Government; but most of them were accretions of permanently-settled estates. The zamindars of Dakshin Sāhābāzpur are the principal proprietors and they have always

proved recusant. These estates have therefore been chiefly under farmers, until direct management was adopted at the present settlement. In the ten estates where no middlemen intervene, the rate of rent per standard bigha as assessed varied between fifteen and twenty annas (Rs. 2-13 to Rs. 3-12 per acre). It was lower in only one petty char and higher only in char Nalgorā where the rates imposed by the previous farmer were high. The other and larger estates were held by hāolādārs, but in three—Sambhupurā, Golakpurā and Algi—there was only a single hāolādār, while in Chhakinā there was an ābādکاری talukdar superior to the hāolādārs. In these estates the rent of raiyats had always been determined by private contracts, which were now accepted subject to a minimum rate of Rs. 3-12 per acre. The river-bed estates are uninteresting and invite no individual comment. They abound in absentee middlemen, in pseudo-raiyats and in under-raiyats. Fictitious under tenures, of which 59 were cancelled in Madhyam Lāmehhidhali and 55 Chhakinā were as common here as elsewhere, being created to obtain the double profit, which under the old system of granting allowance independently to each grade of tenure would have been secured. In Ratanpurā all the hāolādārs are absentee traders and money-lenders and all the numerous jotedars are non-resident middlemen. In Chhakinā the tenure-holders levy very heavy abwabs, and the talukdar received unnecessary consideration. Char Jānglā contains a large portion of Bholā town and the urban area is constantly encroaching upon the agricultural area. The existing rents in the urban portion were taken as the basis of assessment, as no existing law gives a revenue officer the power of varying rents of urban tenants under a private proprietor even although his estate may be under temporary settlement. The largest estate in the group is Jainagar, which is populous and well situated and well served by road and river. One-fourth of its whole area is covered by homestead and garden and the tenants are very prosperous. Jainagar is a hāolādāri estate and more hāolādārs than is usual in Sāhābāzpur are resident in the estate. A determined attempt was made to deprive cultivators of their rights as raiyats by the tenure-holders and under-tenure-holders, who had created 127 fictitious holdings. The estate contains too many under-raiyats and a considerable number of jotedar tenure-holders who were assessed at the same rate as raiyats. The details of the principal estates in the group are:—

NAME.	Tauzi No.	Area in acres.	Revenue as assessed. Rs.	Rate of rent per acre assessed for raiyats. Rs. A.	Allowances of haoladars.
Jainagar ...	5285	8,425	27,594	4 7*	23 per cent. (c), 25 per cent. (d).
Chhakinā ...	4646	3,402	6,861	{ 3 6 to 4 8 }	20 per cent. (c), 15 per cent. (d).
Karalmara ...	5250	1,737	6,197	3 12	Raiyatwari.
Nalgora ...	5291	674	2,625	4 4	Ditto.
Sambhupura and Golakpurā.	5225 & 5226	4,638	11,384	3 12*	25 per cent. (c), 21½ per cent. (d).
Ditto.	5252 & 5266	729	1,830	3 12†	25 per cent.
Padma Manasa	6486	1,535	3,600	3 8	25 „
Kachhapia ...	5240 & 6054	2,008	3 574	{ 3 0 (a) 2 13 (b) }	Raiyatwari.
Algi ...	4798	1,389	3,200	3 12*	23½ per cent.
Lamohhipata ...	5219	1,297	4,122	4 4*	25 per cent. (c), 20 per cent. (d).
Ratanpura ...	5229	920	2,942	{ 4 8 (d) 4 2 (c) }	20 per cent.
Jangla ...	4748	427	895	3 12†	20 per cent.
Lamchhidhali {	5227 & 5228	2,890	9,107	{ 3 6* (c) 3 12* (d) }	25 per cent. (c).
	5230	2,182	6,839	4 0*	20 and 15 per cent. (d).

* In these estates higher contractual rents were accepted.

† Eventual: progressive over 12 years.

‡ In agricultural portion only.

(a) Non-cultivators.

(b) Cultivators.

(c) Resident.

(d) Non-resident.

373. Some of the estates in the great southern accretion contain a great deal of undeveloped land, most of which has however been leased to cultivators and at the normal rate of development in Sāhābāzpur should soon be brought under cultivation. Many mistakes were formerly made in the selection of colonists. Speculators who held their holdings for a sale were frequent and this retarded reclamation in the holdings of *bona-fide* cultivators, as their crops were destroyed by wild animals which found a home in the grass and jungle of the speculators. With better management under the new circle system these vicious conditions should be avoided. Of the estates in this group Bhutā is a hāolādāri mahal with an ābādkāri talukdar responsible for the revenue, while Lakshmi, Lālmohan and Dhaligaurnagar are ordinary hāolādāri estates and all the others are settled raiyatwari. The rate of rent

The great accretion in the south. in all the raiyatwari estates, except Mollāji and Lengatiā has been fixed at rupees three per acre, which compares very favourably with the rate taken by middlemen in the hāolādāri estates. This rate is eventual and a long period has in most cases been allowed at lower rates so as to permit cultivators to build comfortable homes. In several of the estates the leases have a residential clause and where there is no such clause every attempt has been made to induce the tenants to make their homes in the estate. Culturable fallow has been assessed in all estates in which the rate of rupees three has been fixed. This area is very large in Pyāri Mohan (700 acres), Lord Hardinge (642 acres) and Umed. In Umed also there are still over 3,000 acres unleased and at the disposal of Government. In Pyāri Mohan and Lord Hardinge, there are a few middlemen who have been assessed at the same rate as cultivators, but without the benefit of progressive instalments. In Umed the selection of colonists was so bad that there are still many absentees among the tenants and, although over a hundred who have sublet all their lands have been classified as jotedar tenure holders, there are still 200 under-raiyats holding 200 acres under rest of the colonists. It appears that the area granted to each tenant was too large for an ordinary family to cultivate. In Pyāri Mohan great damage was done by a small storm-wave at the time of assessment and three years' grace was given to the tenants before any enhancement came into force. In Lord Hardinge, where wild beasts are very troublesome, six years' grace was allowed before any jungle or fallow was assessed. In two estates in this area, Mollāji and Lengatiā, the standard rate was not applied, as their assessment was completed before the standard rate was agreed on. The assessment in both these estates, which are fertile and fully-developed, was unnecessarily low and it would have been better to have worked up the rate in both cases by a long period of progressive instalments to the South Sāhābāzpur standard. In both estates the selection of colonists had been very bad and there are too many under raiyats, which is the usual result of very low rates of assessment.

374. Amongst the estates held by hāolādārs the four in Dhaligaurnagar cover a large area which would be entirely under cultivation, had it not been for the remissness of the Bholā Land Company, which owns many of the hāolās and has failed to bring 500 acres under the plough. The Bholā Land Company obtained the farm of the four estates in 1878 and has utilised the long period to obtain a very strong stake in the land. By suing for arrears of rent it has driven most of the original ābādkārs out of the estates and purchased altogether 4,300 acres or nearly half the estate in hāolā right. Most of the other hāolādars are money-lending absentees, so that as a body

Dhaligaurnagar.

the hāolādārs treat the estate as a shop and the tenants as their customers. As a result, although the land is fertile, the cultivators are by no means prosperous. The payment of abwabs is universal and over 70 fictitious tenancies were created for the usual objects. The cultivators however are not industrious, as they import Noākhālī *badlās* at money wages not only to reap for them as is usual in Bākarganj, but also to transplant and husk. The history of Dhaligaurnagar has been very chequered. From formation in 1840 to 1865 it may be described as a search for tenants, and from 1865 to 1876 as an era of rapid colonisation and prosperity. Abandonment followed the great wave of 31st October 1876, then recuperation and fresh colonisation from 1879 to 1889, and prosperity

from 1889 onwards; but unfortunately the prosperity was chiefly of the Bholā Land Company to whom the estate had been farmed. The hāolādārs both in this estate and in Lakshmi were given generous allowances, not because they deserved them, but because it seemed unfair to cut down too severely the enormous profits which they were enjoying under the unfortunate arrangements of the previous settlement.

375. Lālmohan has had a less eventful history than Dhaligaurnagar. The estate is very large, but more than half of its area is held by three hāolādārs, who are absentees although not money-lenders. The largest was created in favour of the peshkār of the Noākhālī Collectorate, to which district the estate then belonged. Most of the smaller hāolādārs are resident cultivators. One-third of the estate is held by tenure-holders (including jotedars) for their own occupation and they had attempted in an additional area to prevent the acquisition of any rights by their tenants by the creation of fictitious holdings in their

Lalmohan.

own favour and the degradation of the cultivators thereunder to under-riyats. In this estate the hāolādārs were assessed on appeal at a rate per *kāni* (1·6 acres) and not on profits. The appellants were the larger tenure-holders and the change chiefly benefitted them. The rents of the tenants had been fixed by private contract and were accepted without alteration, although they differed very widely in their pitch. As a result of the change ordered in appeal, the profit of the rack-renting landlord was much greater than that of the easy-going, who were naturally the smaller tenure-holders resident in the estate. The *kāni* rates were equivalent in the average to allowances of 30 per cent. for resident and 25 per cent. for non-resident hāolādārs. They were high, because the profits of the hāolādārs under the old settlement had been very large.

376. Char Bhutā has a history very characteristic of Bākarganj. Shortly after resumption an ābādkārī taluk was granted for the purpose of reclaiming 1,000 bighas under pain of forfeiture, if the conditions of clearance were not fulfilled. They were not fulfilled and the lease was forfeited; but on appeal the Board of Revenue "as an act of grace" continued the lease to the ābādkār. Subsequently the ābādkār sued Government for the large accretions on the south as land which had been gained from the sea since the creation of the taluk and won his suit, although Kelso's map prepared before the grant of the lease shows that the accretion was then already in existence. The case was mismanaged in the local Collectorate and no appeal was lodged against the decree. A second char formed further south in the Bay of Bengal of which Government

Bhuta.

took possession as an island. For this the talukdar again sued, claiming it as an accretion to the taluk, and again won his suit, as the witnesses upon whom the State relied were all tenants of the talukdar. A third island char Madras again formed during the course of the settlement proceedings, of which after a careful enquiry into the fordability of the channel Government took possession as an island. The talukdar claimed it as an accretion and attempted to take forcible possession of it, compelling the Collector to send down a force of Gurkha Military police to maintain the possession of Government. The talukdar has subsequently sued Government for this island also as an accretion to his taluk. As a result of these proceedings the little lease of 330 acres has swollen into a huge estate of nearly 23,000 acres and has opened out like a fan at the southern end of Sāhābāzpur, shutting out the Government estates from access to the Bay of Bengal and thus swallowing all of the enormous accretions, which are annually gained from the sea. Since 1878 the land thus gained from the sea has measured one square mile a year. In the present revision the estate has been divided into two parts, char Bhutā with an area of 8,157 acres representing the land which was in existence at the time of the last assessment and char Fasson with an area of 19,726 acres representing the subsequent accretions. The old portion of char Bhutā is under hāolādārī settlement and has been brought completely under cultivation. Of the 51 hāolās in the estate, four were found to be fictitious and were merged in the taluk. Six more belonged to the talukdar's aged mother or minor son. The purpose of the creation of these hāolās was to obtain for the talukdar the additional profit allowed to hāolādārs. Many of the other

hāolādārs were reclaimers of the land and they have granted a large number of nim-hāolās, whose holders are resident in the estate. The allowances given to hāolādārs and divisible as usual with nim-hāolādārs were 20 per cent. if not resident, and 25 per cent. if resident; but when the hāolādār was the talukdar himself in his various disguises as his aged mother or his minor son, the allowance was reduced to 5 per cent. The talukdar was granted 15 per cent. on his own collections as the profits of his taluk right, but on appeal this was converted into a rate of 14 annas per bigha on cultivated and culturable land. The existing rents of all the raiyats in the estate, which were based on contract, were maintained without alteration. The cultivators for the most part do not suffer from overwork. It is true that they plough their own lands; but they hire men from Noākhālī to transplant, weed, reap and thresh. The revenue was increased from Rs. 4,509 to Rs. 20,474 by this assessment. The last assessment took place immediately after the destruction wrought by the great wave of 1876 and was on that account very generous in its terms. In addition three-fourths of the whole area was uncultivated in 1878 and has since been brought under cultivation, no part of the rental of which had hitherto come into the Treasury. It should be added that the talukdar by his own conduct deserved no consideration. At a second and unexpected survey made in 1910, it was found that the talukdar had deliberately kept a large amount of cultivated land fallow during the original survey of 1905 in order to reduce his assessment. The talukdar claimed to hold at a fixed rate of rent ($7\frac{2}{3}$ annas per bigha) on a construction of the terms of the kabuliyat which he gave in 1880. The claim was rejected; but he has subsequently sued in the Civil Court to substantiate this claim. Whatever the legal construction of the terms of the document may be, it is clear that the State at no time intended to give the talukdar a lease at a fixed rate of rent. The terms of the *kabuliyat* were drawn out in English by the Commissioner of the Dacca Division and were subsequently translated into the Bengali edition which the talukdar signed. It is significant that there is a mistranslation in the Bengali and that it is upon the clause containing the mistranslation that the talukdar relies in claiming to hold at a fixed rate of rent.

377. Char Fasson contains 3,830 acres of cultivation and 12,762 acres of
Fasson.
culturable jungle and grass besides 1,500 acres
of river and stream and 905 acres of sand and
mud. There were two fictitious hāolās covering a large area in the estate; but after careful proceedings they were cancelled. In the cultivated area there are a large number of nim-hāolādārs and osat-nim-hāolādārs, who cultivate most of their lands and sublet a part to raiyats at Rs. 3 per acre. The tenure-holders were allowed 25 per cent. if resident and 20 per cent. if non resident as profit and were assessed at Rs. 2-4 and Rs. 2- $6\frac{2}{3}$ per acre on land which they themselves cultivated. During the course of assessment it was found that the talukdar had deliberately refrained from granting leases in the char for several years, although there was a great demand for land from cultivators whose holdings had been diluviated on the eastern side of Sāhābāzpur. In order to test the truth of the information, applications were invited at short notice from *bonā-fide* cultivators, who were prepared to take up land in the char paying rent at Rs. 3 per acre from 1910. In two days 636 cultivators applied for 9,300 acres, prepared to pay a year's rent in advance and to bring the land under cultivation forthwith. The lists were then closed, although applications were still coming in. The lease of the talukdar is an *ābādkāri* lease, *i.e.*, a lease for the purpose of reclaiming waste. In face of such clear evidence as to the demand for the land and the refusal of the talukdar to grant leases, it was obvious that the whole purpose of the lease was defeated by his conduct. There can be no question that Government could colonise this area at once, if it were under *khas* management and there can be no justification in the mere fact that an *ābādkāri* lease has been granted to a talukdar for a loss of revenue on this account. It was therefore decided to assess the whole of the culturable waste at 12 annas a bigha or 75 per cent. of its letting value, a period of three years' grace for the discovery of tenants being granted in half the area and a period of six years in the other half. The talukdar was assessed at the same

rate in the cultivated area also. The revenue of the char under these arrangements became Rs. 10,059 in 1910, Rs. 24,536 in 1913, and Rs. 39,013 in 1916.

In both chars heavy litigation is certain, but it could have only been avoided by a complete submission to the claims of the talukdar, which the previous history of his lease made unwise and which his conduct during the course of the proceedings made unpalatable.

378. Details in tabular form of all the estates in this sub-group are given below:—

ESTATE.	Tauzi No.	Area (acres).	Revenue assessed. Rs.	Rate of rent at which raiyats assessed per acre. Rs. A.	Date at which full rate on waste is reached.	Allowances granted to middlemen.
Kalachand	5260 5286 5246 5271 5272	1,070	2,759	3 0	1918	Raiyatwari.
Dhaligaurnagar	5281	9,054	21,563	3 12 *	Not assessed ...	{ 30 per cent. (a) 25 ditto. (b)
Lakehmi	5243	1,992	4,512	3 8	1918	Ditto.
Lengatia	5315	840	1,398	2 10	Not assessed ...	Raiyatwari.
Mollaji	5360	1,362	2,667	{ 1 14 (a) 2 4 (b) }	Ditto ...	1 ditto.
Pyari Mohan	5423	1,167	2,801	3 0	1924	Ditto.
Hardinge	5249	2,433	6,692	3 0	1923	Ditto.
Umed	5256	11,736	23,400	3 0	{ 1919 (East) 1923 (West) }	{ Ditto.
Lalmohan	5345	11,054	28,913	3 12 *	....	{ 30 per cent. (a) 25 ditto (b)
Bhuta	5237	8,167	20,474	{ 3 12* (old hacias) 3 8* (new do.) }	1918 ...	{ 25 ditto (a) 20 ditto (b)
Fasson	5266	19,726	39,013	3 0 *	1916 ...	Ditto.

(a) Resident. (b) Non-resident. * Average of contractual rents.

379. The most interesting of the Sāhābāzpur estates and indeed the most interesting estates in Bākarganj are the Manpurā taluks. The island of Manpurā was in existence before the permanent settlement and was resumed in 1833 apparently as an island or as Sundarban forest, although it was never subsequently included within the jurisdiction of the Commissioner in the Sundarbans. It measured probably less than a thousand acres at the time of the permanent settlement, which grew by alluvion to ten thousand acres in 1873 and to thirty-six thousand acres in 1910; but the later accretions are as yet almost uncultivated and uninhabited. The older part of the island, which measures 8,925 acres and supports a population of 5,000 was divided into eight estates between 1845 and 1858 and these estates

Manpura. were settled with the original talukdars, who had obtained ābādkāri grants from the zamindars of Dakshin Sāhābāzpur in 1796 and 1808. In 1867 and 1869 it was proposed to settle these estates in perpetuity, but the proposal was fortunately not approved. One of the estates with an area of 745 bighas (242 acres) was however permanently settled before 1830 at a revenue of Rs. 55. It has subsequently suffered from diluvion and measured only 50 acres in 1910. In the 36 years which have elapsed since the last settlement the cultivated area had increased by 20 per cent., although the total area had decreased by 14 per cent. owing to diluvion. The uncultivated area which was then 46 per cent. of the whole is now only 21 per cent. and is not perhaps capable of much further reduction. The area under homestead and garden has increased threefold in the same period. The island has had a very chequered history. The manufacture of salt was begun in 1812 and by 1818 the oppression of the salt contractors had compelled 350 families to leave the island. In 1822 and again in 1876 it was swept from end to end by storm waves in which all the cattle and many of the inhabitants perished. Lesser storm-waves have smitten the island at much more frequent intervals. The island has been colonised from Noākhālī and chiefly by the Dasses of Sandwip who, although Hindus, eat pork and marry widows. The estates have been settled with hāolādārs after the usual Noākhālī pattern, but the hāolādārs are resident in the island, which is unusual in Sāhābāzpur. The talukdars are also resident with one exception, a Cawnpore merchant, whose family has been connected with the island for 80 years. The island has always

been neglected. There is no Government representative, no dispensary and no doctor, no regular post office, while a very intermittent communication is maintained with the mainland. It has in truth always been a self-contained and self-governing republic. The soil is fertile, the homesteads substantial and surrounded by gardens of fruit-bearing trees, while as the assessment has always been moderate all classes of tenants are comfortable and prosperous. Raiyats hold 4,827 acres, for which they pay an average rent of Rs. 3·7 per acre. Hāolādārs and tenure-holders subordinate to them have reserved 3,174 acres for their own occupation. At the disposal of the talukdars are 494 acres, chiefly jungle. Under-raiyats are practically unknown. Strictly speaking, the hāolādārs who got a *patta* in 1876 hold terminable leases, neither heritable nor transferable; but in fact they have always been treated as permanent leases, heritable and transferable, and they were therefore recorded as "permanent tenures." The leases of the talukdars were terminable, but they have been continued until 1925 and conditionally until 1940. The talukdars have no right of sale and their taluks are forfeited if they default in the payment of revenue. The assessment determined for these estates was designedly moderate and amounts to only 46 per cent. of the assets. Talukdars were assessed at 8 annas a bigha (Rs. 1·8 per acre) on the whole area, hāolādārs at 11 annas a bigha and raiyats at one rupee a bigha, but existing contractual rents of raiyats, if higher, were maintained. By this assessment the cash profits of the talukdars were in every case increased and amounted to 17 per cent. of the assets; while the profits of the subordinate tenure-holders were usually reduced, but still in the aggregate amounted to 37 per cent. of the assets. The total revenue was increased from Rs. 9,433 to Rs. 13,272. The period was fixed in the first instance at 15 years, but hāolādārs were promised a continuance at the same rent for a second term of 15 years, if they remained resident in the island and did not increase the rents of their tenants, while the talukdars were given a similar promise, if they neither increased rents nor levied *abwabs*. In the peculiar circumstances of these estates the assessment may be regarded as satisfactory. It is however unfortunate that in one estate where talukdar and haoladars have enhanced rents to a pitch 25 per cent. above the average, the method of assessment has left them with a larger profit than their more moderate fellows.

In the mainland.

380. The estates in Bākarganj mainland, which are numerous and scattered, fall into three groups:—

	LAST SETTLEMENT.			PRESENT SETTLEMENT.	
	No.	Area.	Revenue.	Area.	Revenue.
		Acres.	Rs.	Acres.	Rs.
Purchased estates belonging to Government.	26	2,892	8,102	2,196	9,862
Alluvium belonging to Government ...	37	18,707	27,764	17,964	55,849
Alluvial accretions belonging to private proprietors.	112	20,018	36,241	18,234	52,101
Total ...	175	41,117	72,106	38,394	1,17,812

In these estates all farms were terminated. The great majority (160) were held on a raiyatwari settlement, especially under private proprietors; but in a considerable number of these (49) the raiyats were really middlemen, whom the bungling methods in force after the last diara survey had wrongly classified. In the remaining 16 estates, all private accretions, there was subinfeudation of the ordinary kind.

Results of assessment of estates in the mainland.

Where land was held directly by raiyats under the proprietor, whether Government or a private individual, the present compares with the former assessment as follows :—

		ASSESSMENT UPON RAIYATS.					
		Before assessment.			After assessment.		
		Area.	Rental.	Rate per acre.	Area.	Rental.	Rate. per acre.
		Acres.	Rs.	Rs. A.	Acres.	Rs.	Rs. A.
Government purchases	...	2,321	7,313	3 2	2,223	8,498	3 13
Government alluvium	...	2,345	6,928	3 0	6,242	25,784	4 2
Private accretions	...	12,526	29,544	2 6	8,782	37,111	4 3
Total	...	17,192	43,785	2 9	17,247	71,393	4 2

The rate assessed is very low as compared with the district average and with the rate of rent taken by middlemen in the same estates. In private accretions the increase was very largely due to increase in cultivation, land which had not been fit for the plough at the last settlement having in the meantime become fit for cultivation. Under the Government islands comes also the large area in Ilsā Ghāgrā, for which colonists were obtained at Rs. 4 per acre.

The assessment upon middlemen including pseudo-raiyats is compared in the following statement :—

		PSEUDO-RAIYATS.		TENURE HOLDERS.		TOTAL.		Area reserved by middle- men.	AREA SUBLET BY MIDDLEMEN TO RAIYATS.	
		Area.	Rent.	Area.	Rent.	Area.	Rent.		Area.	Rent.
		Acres.	Rs.	Acres.	Rs.	Acres.	Rs.		Acres.	Rs.
Before assessment	...	11,981	33,403	12,792	7,632	24,775	41,035	3,714	20,561	73,645
After assessment	...	11,001	49,464	2,873	8,610	13,874	58,074	1,714	12,160	67,685

The decrease in the area held by tenure-holders is chiefly to be explained by the forfeiture of the fraudulent hāolā in Ilsā-Ghāgrā, which has also affected the area sublet by middlemen and the rental of that area. Otherwise the rental of raiyats holding under middlemen has been but slightly varied, the contractual rents having been in most cases accepted. The average rate of rent taken by middlemen is Rs. 5-9 an acre, while the average rate of rent payable by middlemen is Rs. 4-3 an acre. Before assessment, the surplus of the rent payable to middlemen over the rent payable by them was Rs. 32,580, which was reduced after assessment to Rs. 9,621; but on the other hand 1,714 acres with a letting value of Rs. 10,000 approximately had not been sublet.

The allowances granted to the proprietors of private estates rose from Rs. 14,071 to Rs. 16,931.

381. Few of the estates in the mainland call for individual comment. In only 29 was the revenue more than Rs. 1,000, while the great majority were so petty that in 107 cases the revenue did not reach a hundred rupees and in 61 cases the area did not reach a hundred acres. In only one thana—Mehendiganj—were the estates really numerous and their area any considerable proportion of the total area of the thana. In a very large number of the estates the existing rents of raiyats were based upon private contracts and assessment was mechanical. In some cases, especially the petty Buzrugumedpur mahals, these contractual rents were very high, often more than Rs. 6 and sometimes Rs. 9 per acre; but without the agreement of the middlemen landlords they could not be reduced. Even where no middlemen intervened, the existing rents had usually been fixed by a farmer. Generally they were accepted, but occasionally reduced. No attempt at uniformity of

General remarks on the estate in this group.

rates within any thana could therefore be attempted, although more might have been done in this direction, if the estates in each thana had been assessed at one time by a single officer instead of at different times during four years by four different officers. In all thanas there was a very general appeal by the raiyats for direct management by Government without the intervention of middlemen, which it was of course impossible under the existing law to grant. The levy of abwabs by middlemen was very general and in 14 estates was a heavy burden on the tenants. It was extremely difficult to control the business of assessment in so numerous a body of petty estates so that it appears on reviewing the figures that allowances greater than the scale permitted by the rules were granted to middlemen in six estates and to proprietors in fourteen estates. None of the estates affected however was very large. It should be added that in only 14 out of 112 private estates did the proprietors refuse settlement, all of which were very petty estates of a few acres. In Mehendiganj the temporarily-settled area covers an area of 50 square miles distributed between 62 different estates with a revenue of Rs. 67,680. These estates are exclusively alluvial and 37 with an area of over 13,000 acres came under assessment. Had they been dealt with at the same time, more attempt at uniformity in assessment must have been made. The soil is singularly uniform in quality

Lack of uniformity in assessments in Mehendiganj.

and as in Sāhābāzpur a standard rate might have been fixed for the thana, to which the rental in each estate might have been developed by the employment, where necessary, of progressive instalments over long periods. Assessments in the several estates have been most capriciously made in the past so that rates of 6 annas and 20 annas for the same soil are found in neighbouring estates. In the assessment now concluded three estates were assessed at Rs. 4-8, five at Rs. 4, eleven at Rs. 3-12, one at Rs. 3-9, five at Rs. 3-6, five at Rs. 3, one at Rs. 2-10 and one at Rs. 2-4 per acre. There was no real justification for these differences, when the estates are examined as a whole. In estates in which existing contractual rents were maintained the average rate was Rs. 7-8 in two cases, Rs. 6 in three cases, over Rs. 5 in three cases, Rs. 4-8 in four cases, and Rs. 4-4, Rs. 4, Rs. 2-10 each in one case. The rate at which the waste in Ilsā Ghagrā was colonised—Rs. 4 per acre—is a moderate rate, and it would have saved much capricious assessment, if this rate had been adopted for the assessment of alluvial estates in this thana.

382. Only a few of the mainland estates appear to call for individual remark. Chākrān Bāzeāfti contains all the petty service tenures granted by the zamindars of Buzrugumedpur. They were purchased in 1799 as part of that zamindari, when an attempt was made again to settle them in perpetuity, but nobody was able to make any profit

Individual comments on the larger estates in the mainland.

out of so scattered an estate, so that they were purchased by Government a second time for arrears of revenue in 1840. The estate consists of over 70 small parcels of land situated in 45 scattered mauzas in three thanas—Bākarganj, Nalchhiti and Patuākhalī—and measures only 475 acres altogether, although a good deal of land has at various times been lost by dispossession. It is full of jotedar tenure-holders and the rate of rent, which differs in different mauzas, is rarely less than six rupees an acre, for which the old method of farming the separate parcels sufficiently accounts. In Char Samasdi Bāligāo and Char Ragunāthdi (Bākarganj), in Char Murādiā (Patuākhalī) and in Chars Fenuā, Uttar Khājuriā and Mahishā (Mehendiganj) three-fourths of the area was held by middlemen of the jotedar class, yet under-raiyats were still so numerous in the remaining fourth that a settlement which was intended to be made with cultivators has been converted into a settlement with middlemen. In Jainkāti (Patuākhalī) where the rents are very high under the proprietor's management and in Madanpurā (Bāuphal), Kālir char (Galāchipā) and Kadamtalā (Pirozpur) the tenants were often middlemen or absentees, classified as jote tenure-holders and assessed on profits. Char Jhālākāti is a petty estate of 97 acres, which contains a portion of the flourishing Jhālākāti market. One-third of the estate was permanently-settled for Rs. 89 in 1852, involving an enormous sacrifice of future revenue, the remainder contains stalls and booths from which the proprietors obtain a floating income of a

thousand rupees in market dues. Char Chandrāil is an estate settled largely with pseudo-raiyats (shopkeepers and money-lenders), who were classified as jotedar tenure-holders and sued Government as to the accuracy of the classification. Five agreed to be recorded as tenure-holders and were granted an allowance of 25 per cent., the others who take rent from their tenants at seven rupees and more per acre were assessed at the legal maximum rate of Rs. 6-8 per acre, whereas in the case of the ordinary cultivator no enhancement was attempted. The condition of the cultivators in this estate is bad. The climate is unhealthy, the tenants have no energy and are heavily involved in debt. Generally the estate is an example of the evil aspect of the right of transfer. Char Gāzipur (Pirozpur) is a talukdari estate and two-thirds of the tenants under the talukdar are jote tenure-holders. The talukdar is an unpopular landlord and the tenants desired khas management. Char Tonā (Pirozpur), on the other hand is held by an ābādkāri jotedar, who is a considerate landlord and popular with his tenants. Half of the tenants however are middlemen and were classified as jotedar tenure-holders. In Sāhebrāmpur Swasthal, which is practically a Government estate as the proprietors never accept settlement, one third of the area is held by three jotedar tenure-holders, who have sublet at a rate of Rs. 6-7 per acre. They were formerly treated as raiyats and in this settlement they were assessed as raiyats to avoid objection to the classification and were thus left with a profit of 40 per cent. on their collections. Many of the tenants in this char, even cultivators, are very rich and there has been much subletting, so that a large area is held by under-raiyats.

383. In the north of Barisāl thana there was a group of five chars originally resumed between 1833 and 1835 as islands in the bed of the Ariāl Khān river, but now attached to the mainland. Two—Hogalpātiā and Uttar Bhuturdiā—are covered by an ābādkāri jote, which was mistakenly held by the Commissioner in 1872 to be a permanent and not a terminable tenure. In Badnā also there is a similar “sadr malguzār.” In Kapālberā and Kshudrakāti the farmers have been got rid of, but a large number of their tenants neither cultivate nor reside in the villages so that there are on the one hand several jote tenure-holders and on the other hand many under-raiyats. In all these estates the contractual rents of raiyats under middlemen are high and quite as much as the land will bear. The condition of cultivators in Bhutardiā and Hogalpātiā was miserable, as the ābādkāri jotedār levied heavy abwabs as well as high rents. The jotedar's conduct during the settlement proceedings was refreshingly ingenuous. At attestation he attempted to get the rent of all his tenants recorded at higher amounts than they were paying under the impression that he would himself be assessed as

Chars in Barisāl thana.

previously at a bigha rate and the recorded rents of his tenants be blessed with official sanction so that the higher they were the greater would be his profit. Finding however that his assessment under the system in force would be based on a percentage of his collections, he applied for a reduction in their recorded rentals on the ground that they were more than the tenants were actually paying and in the expectation that, if they were reduced, he could go on collecting the real rents as before and thus obtain a considerable increase on the 15 per cent. profit that he was ostensibly allowed. It was necessary in these circumstances to make the most careful enquiries to ascertain the rent which each tenant was really paying. When this was done and the assessment was complete, he once more in appeal attempted to have the rental of his tenants increased in the hope of securing for himself a higher profit than the subordinate revenue officers had allowed. In both of his estates a very large number of raiyats held at produce rents which were commuted at the highest rate of cash rents found in the estates. It is hardly a matter for wonder that the cultivators in these estates pressed ardently for direct management.

384. In the larger Mehendiganj chars the rate of rent taken by tenure-holders and all classes of middlemen was generally considerably lower than in other thanas; but it is the custom here for private landlords to take a high *selāmi* at the grant of the lease and, as most of the chars are comparatively new, sufficient time has not elapsed to permit them decently to

enhance a low initial rental. Proprietors have always managed these estates in Mehendiganj and have generally been so little careful to select cultivators and residents as tenants that there are too many under-raiyats in most of the larger chars. In Char Bagi there is a sadr talukdar who is also the proprietor and thereby obtained allowances larger than the prescribed scale. There was originally also an osat talukdar, but the talukdar managed to oust him by the efforts of ten hāolādārs who were introduced into the estate since the last assessment in 1896. Several fictitious holdings had been created to deprive cultivators of their raiyati rights. Two estates, Bāher Char and Khājuriā, were held by hāolādārs, but in neither case were the hāolādārs grasping landlords.

385. Char Nipattāsi in Pirozpur thana formerly consisted of two contiguous estates in the same mauza which have been amalgamated into one with an area of over two thousand acres and a revenue of over eleven thousand rupees. At previous settlements the tenants under Government were always classified as raiyats, but they are almost entirely middlemen and many of them live at a distance. They were classified in the present record-of-rights

as tenure-holders without objection, many of them are most extortionate and rack-renting landlords and the rental of cultivators in the estate, while generally high, exhibits amazing differences, some tenants paying rent by contract at less than six rupees and others at more than ten rupees for equally fertile land. Every attempt was made to induce the jotedars to reduce the more excessive rentals, but without much success. The rents of this large estate were therefore left in a most unsatisfactory state and under-raiyats, who were numerous, were recorded at enormous although perfectly legal rents. Although the soil is good many of the cultivators are in a miserable condition and it was in this estate that the need of some legal power to reduce rents first became manifest.

386. Char Ilsā-Ghāgrā originally formed in 1850 as an island at the junction of the old stream of the Ganges with the Ilsā river and it now lies on both banks which are separated by 3 miles of river. Its area is nearly 6,000 acres, of which at the time of assessment one-half was cultivated and the other half was reeds, mud or stream. A hāolā in the name of Chandra Mohan Chakravarti was found over almost the entire estate; but on a close examination of the old papers it was discovered that every

reference to this hāolā was a fabricated interpolation and that there was no evidence that it had ever in fact been granted to the clerks in the local collectorate to whom it originally belonged. Suit No. 373 of 1909 was therefore filed, but the hāolādārs surrendered the hāolā and all interest in the estate without contesting the suit. The estate is very fertile, but the cultivators are not as prosperous as might have been expected, as the hāolādārs had been unsatisfactory landlords and had created many fictitious tenures, which were cancelled. The rents of the cultivators vary according to the *selāmi* paid and while some are low many are excessive. In the average they amount to Rs. 5-4 per acre and in the present assessment, which was concluded long before the laws' delays disposed of the civil suit, they were accepted subject to a minimum rate of four rupees per acre on cultivation. No effort had been made by the hāolādārs to colonise the char, of which the population was only 610 in 1901 and the area occupied by homestead and garden only 63 acres. The hāolādār had kept a large area unleased, although there was a great demand for the land, as the applicants could not satisfy his appetite for *selāmi*. When khas possession of the char was obtained, the unleased land was surveyed in uniform square plots measuring $7\frac{1}{2}$ acres for the cultivation which 87 colonists were selected from a large number of applicants, who agreed to pay an all-round rate of four rupees per acre, to cultivate themselves and to make their residence within their plot. The kabuliyat executed by these tenants was most carefully drawn up to ensure the exclusion of middlemen and the observance of the conditions. This has in the event proved to be a most successful piece of work and is some compensation for the unsatisfactory lack of uniformity in the rents of tenants in the older portion of the estate.

387. Details in tabular form of the assessment of estates with a revenue of more than Rs. 1,000 in the mainland group are given below :—

NAME.	Tanzil number.	Thana.	Area in acres.	Revenue. Rs.	Rate per acre of raiyati rental.		Allowances of middlemen. Per cent.
					Rs.	Rs. A.	
Char Samaadi Baligao ...	4605	Bakarganj ...	471	1,758	{ 4 8 6 0*		Jotedars ... 15
Char Jhalakati ...	4535	Jhalakati ...	97	1,207	{ 7 8 6 0		
† Charan Bazeafi ...	1437	{ Bakarganj Nalchhiti Patuakhali }	475	2,749	{ 6 0 8 0*		Jotedars usually ... 15 and sometimes up to 30
Char Hagunathdi ...	4818	{ Bakarganj Bauphal }	555	1,820	{ 4 2 5 12*		Jotedars ... 15
Char Muradia ...	4724	Patuakhali ...	679	2,795	{ 4 8 6 0*		Ditto ... 15
Char Jainkati ...	4775	Ditto ...	626	3,240	{ 7 2 9 0*		Ditto ... 15
Char Madanpura ...	4757	Bauphal ...	478	1,507	{ 4 8 5 8*		Jotedars ... 15
† Taluk Krishna Chandra ...	2005	Ditto ...	578	1 0 5	3 12†		Raiyatwari.
† Kalir Char ...	6253	Galachipa ...	635	2,093	{ 5 6 5 8*		Jotedars ... 20
† Char Chandrail ...	6277	Ditto ...	519	2,187	4 12†		Raiyatwari.
Char Kadamtala ...	4618	Pirojpur ...	428	1,3 8	{ 4 2 6 0*		Jotedars ... 15
Char Gazipur ...	4625	Ditto ...	582	1,971	{ 4 2 6 8*		Tenure-holders ... 20
Char Tona ...	4819	Ditto ...	370	1,205	{ 4 8 7 0*		Abadkari Jotedar ... 25 Subordinate jotedars 15
Char Nipattasi ...	4791	Ditto ...	2134	11,015	7 0*		Jotedars.
Ramer Char ...	6389	Gaurnadi ...	445	1,009	3 7*		Raiyatwari.
Sahabampur Swasthal ...	6562	Ditto ...	868	2,833	{ 3 6 (a) 3 12 (b) 6 7*		Raiyatwari.
† Char Kapalbera ...	4776	{ Barisal and Gaurnadi }	750	2,842	{ 3 15 6 15*		Jotedars ... 15
† Char Hogaipatia ...	4638	Barisal ...	294	1,889	7 11*		Jotedars ... 15
† Bahar Char Kshudrakati ...	4639	Ditto ...	686	2,6 6	{ 3 12 6 0*		Ditto ... 15
† Char Uttar Bhuturdia ...	4640	Ditto ...	552	3,123	7 0*		Ditto ... 15
† Char Budna ...	4657	Ditto ...	231	1,417	7 0*		Ditto ... 15
† Bahar Char ...	4536	Mehendiganj ...	531	1,635	4 0*		Hauladars ... 29
† Char Fenua ...	4592	Ditto ...	494	1,552	4 8*		Jotedars ... 30
Uttar Char ...	6439	Ditto ...	769	1,277	{ 3 0 4 8*		Ditto ... 33†
Char Ratanpur ...	6334	Ditto ...	591	1,894	{ 3 12 (a) 4 0 (b)		Raiyatwari.
Darl Char Khajuria ...	4933	Ditto ...	1119	2,959	{ 3 12 4 0*		Jotedars ... 15
Ditto ...	6317	Ditto ...	412	1,081	4 8*		Hauladars ... 16
Char Mahisha ...	6411	Ditto ...	595	1,144	2 10*		Jotedars ... 15
† Char Ilsa-Ghagra ...	4979	Ditto ...	5834	18,54 6	{ 4 0 5 4*		Raiyatwari.

* Rents based on private contracts, which were maintained. In most of these estates, there were raiyats under Government or the proprietor, as well as raiyats under middlemen. Two rates are quoted in such cases and the second (or starred rent) is that under middlemen and based on contract.

† Government Estate. All the others belong to private proprietors. (a) On land reserved, (b) On land sublet.

In the Sundarbans.

388. It has already been indicated that some modifications in the system of assessment were adopted in the Sundarban estates.

Assessment in the Sundarbans estates. The features in these estates which distinguished them from other temporarily-settled estates in the district were the existence of forest which it was the object of the State to reclaim and the existence of very heavy subinfeudation. The bulk of the land was as in the rest of the district held by raiyats whose rents had been fixed by private contract between their landlords and themselves. These rents it was impossible apart from exceptional cases legally to reduce and it was at once decided not to vary in respect of them the policy adopted in the rest of the area. Existing contracts would everywhere be enforced, so as to assess any increase in area, but no enhancement of the rates payable under them be generally attempted. Between the raiyat and the State there were however in these estates many grades of middlemen—usually six and sometimes as many as twelve—whereas in the rest of the temporarily-settled area there were rarely more than two and in hāolādāri estates never more than four. There was always also a “sadr malguzār” responsible for the whole estate. The assessment of the tenure-holders and the amount and distribution of the profit which they were to be allowed became a question of great difficulty. In the matter of forest the principle of ignoring “waste” or of not assessing any land which brought in no income to the tenant was not applicable in its entirety to estates which held large areas of unreclaimed forest which were usually already assessed or liable now to be assessed under the terms of the last settlement.

389. The principles upon which the assessment of the Sundarbans estates was to be made were first laid down by the Director of Land Records in April

1907; but were afterwards modified as a more intimate knowledge of the estates was obtained. In 1907 the record-of-rights had already been attested in the Sunderbans and it was supposed that sufficient was known of its conditions to permit the formulation of rules of assessment. In the application of those rules to particular estates, it was soon found that they had been based on inaccurate or insufficient information and it is probable that, if the closer information had been gathered first and the rules framed afterwards, they would have been in some respects different from the rules actually adopted. The first rules were prescribed on the 18th August 1907 and became known as the "system of August." They were as follows:—

- (1) First calculate the valuation of the estate tenure by tenure working from the bottom. In making this calculation observe the following principles:—
 System of August 1907.
 - (a) Leave raiyati rents unchanged, whether the holding contains (khanit-patit or otherwise. Section 52, B. T. Act, may be applied (i.e., assessing an increase in area).
 - (b) Ascertain a standard raiyatwari rate for the village and calculate the rents for the nij-dakhal (reserved) lands of tenure-holders in the light of this standard rate. In each case the allowance will be 50 per cent. greater than the allowance mentioned in rule 19 (of the "Principles"), i.e., the allowances will be $22\frac{1}{2}$, 15 and $7\frac{1}{2}$ per cent. in place of 15, 10 and 5 per cent.
 - (c) In the case of tenure-holders make no assessment upon khanit-patit in their immediate possession unless—
 - (i) the tenure holder makes a profit from the khanit-patit land, or
 - (ii) it is proposed for special reasons and with his consent to maintain his existing assessment on a tenure which includes such land.
- (2) Having arrived at the total valuation of the first grade tenures take 15 per cent. of such valuation and distribute it among the various grades of tenure-holders.
- (3) Then double the allowance in the case of each tenure-holder who is resident or who is making *bona-fide* expenditure for the good of the estate.
- (4) Then fix the revenue payable to Government by the talukdar, so that he gets a clear 25 per cent. on his collections. This will be consolidated allowance. No portion of it will be called "malikana" in the case of any estate in which Government is the legal malik.
- (5) The above rules are subject to the following provisos:—
 - (i) In no case shall Government receive less than 50 per cent. of the total valuation. If the calculations when made show a profit to Government of less than 50 per cent., the Settlement Officer will deal specially with the case.
 - (ii) If in any individual case a tenure-holder receives less than he pays or receives an inadequate profit, his case may be specially dealt with.

390. These rules involved most complicated calculations. The land cultivated by each grade of tenure-holders had not only to be assessed at a different rate, but the rate itself was a difficult proportion ($22\frac{1}{2}$ per cent., $7\frac{1}{2}$ per cent., $3\frac{3}{4}$ per cent., etc.) of the average raiyati rate in the estate, where it might have been an easy deduction of one, two, three or four annas in the rupee from that rate. The valuation of each tenure consisted of three parts—

- the cash rent of raiyats holding directly of the tenure-holder;
- the valuation of under tenure-holders holding directly of the tenure-holder;
- the valuation of the land cultivated by the tenure-holder at the special rate of his grade.

Fifteen per cent. of the valuation of all the tenure-holders holding directly under the "sadr malguzar" formed a profit fund, which had then to be distributed between the different grades and the different tenures in each grade.

Complicated nature of assessment upon tenure-holders.

Finally in order to arrive at the rent to be fixed for each tenure-holder, a fresh calculation had to be made by adding to the rent of his raiyats and the valuation of his cultivation the rent as now determined for his under-tenure-holders and by deducting from the total the share which had been allotted to him out of the profit fund. Moreover for the distribution of the profit fund a system of factors was at first devised, which was very equitable

but so intricate that the two revenue officers engaged in the assessment arrived at different results and, when the Settlement Officer was called in to decide between them, he arrived at a result which was different again. On a reference by the Settlement Officer this method of distribution was discarded in favour of a simpler method, which involved less calculation, although it was less equitable. In this method the profit fund became fifteen per cent. of the total valuation of each first grade tenure under the *sadr malguzār* considered separately and not of all these tenures taken together; and half of the amount was distributed in geometrical progression to each grade of under-tenure regularly created, thus where there was an under-tenure the first grade tenure obtained half of the amount and the undertenure the other half, unless there was further subinfeudation, when the half became a quarter and so on. Where however a tenure-holder had interpolated a *mirās ijārā* between the regular grades of subinfeudation, the share of the subordinate under-tenures regularly created was not diminished, but the profit of the *mirās ijārādār* came out of the profit of its creator. Thus the half profit of a first grade tenure-holder would become a quarter and the other quarter would be taken by the *mirās ijārādār*. This was the system, but it was subject to exceptions, when local circumstances or private contracts warranted them, the intention of the exceptions being to recognize in distribution the existing rates of sharing the profit when that ratio was clearly different from a geometrical progression. The weak point about this method of distribution was that the larger share of the profit went to the superior tenure-holders who had given little or no attention to the development of the estate and the smaller share to the lesser tenure-holders who were often the men or heirs of the men who had reclaimed the land or introduced the colonists. Rule 3 was framed to correct this injustice. It involved laborious enquiry, but it ensured that the tenant who had been of real value to the estate was to some

Additional allowance to resident and beneficial tenure-holders. extent rewarded. This differentiation in treatment was determined on at a very early date in the proceedings. The Settlement Officer referred the matter on the 22nd of May 1906, remarking:—"It should be recognized I think that in all wasteland settlements the profit should be measured by the labour of the capitalist. A man who at once sublets his lease to others and takes no further interest in the reclamation than taking the sub-lessor's rent is worthy of no consideration. Similarly a non-resident purchaser has no claim to favourable terms. On the other hand a non-resident capitalist who has spent money and time on the reclamation of the estate is entitled to better terms, while a resident capitalist who lives amongst his tenants and looks after them is entitled (*ceteris paribus*) to most consideration of all." The views of the Member of the Board (the late Mr. Savage under date 17th June 1906) were that "there is ground for differentiating the treatment of the mere speculator from that of other landlords in the Sundarbans, if the others exist and it is possible to distinguish between the different classes; but should not the difference in treatment turn rather on the decrease in the allowance to the speculator than on increase in other cases?"

391. In truth there can be no satisfactory means of distributing profits between the middlemen in an estate which has many grades of subinfeudation. The old system of assessing an acre rate for each grade in the estate without reference to the rents paid by the *rai-yats* was easy, but no more equitable, as it placed a premium upon rack-renting and secured to the harsh landlord a greater profit than to the considerate landlord. Moreover it did not attempt to reward service in the reclamation of the estate. There were two great objections to it. It increased subinfeudation and especially the creation of fictitious tenures, as the profit of each additional grade tended to come out of the revenue, and it involved the assessment of the revenue upon artificial assets and not upon the actual assets of the land, offering thereby no guarantee that the revenue was a reasonable proportion of the assets of the estate. In the system of assessment and distribution which was now adopted one certain result was to discourage subinfeudation, while the revenue of the estate was at least calculated ultimately upon the customary letting value of all the land in the estate.

392. The allowance granted to the *sadr malguzar* was a clear 25 per cent. on his collections in all the estates. It subsequently transpired that this uniformity was not perhaps deserved. While some talukdars gave a considerable time and attention to the estate and earned their profit, others had converted themselves into mere annuitants half a century ago and had never since been of any value to the estate. Their allowance might reasonably have been very greatly reduced.

393. The treatment of tenures created since the last assessment should be explained. They were in all cases entered in the record-of-rights; but no rent was settled in respect of them. Where the tenure-holder had power to create an under-tenure, an entry was made "not binding against Government for the purpose of assessment: profit will come out of his landlord's profit"; where on the other hand the tenure-holder had received a *pāttā* or executed a *kabuliyat* with a condition to the effect that he shall create no under-tenure, the entry made was: "created in contravention of *kabuliyat* or *pāttā* dated so and so and not binding against Government."

394. The most remarkable feature of "the system of August" was the treatment of forest. It was not to be assessed unless it brought in some income to the tenant. This policy was adopted in accordance with the general rule of the Government of India that "assessments have ceased to be made upon prospective assets."* The forest however usually brought in some income to the tenants by sale of timber, brushwood and forest products, but this income was fluctuating and very difficult to assess in individual cases. After considerable discussion it was decided by the Director of Land Records on 5th August 1908 that a rate of rupee one per acre on forest would be a fair assessment upon the average income derivable from forest products. This was to be an all-round rate without deduction and applicable to all grades of subordinate tenure-holders, but of the rupee four annas would go to the *sadr malguzār* and twelve annas to Government.

The talukdars of Lālūā and elsewhere objected to this rate as too heavy and asked for a progressive rate as in the past. The Settlement Officer in referring the matter (9th December 1908) proposed to revert to the old system of assessment with a view to reclamation or in the alternative to permit a rent-free term of five years and subsequently to impose an all-round rate of one rupee, of which all should go to the State and none to the *sadr malguzār*. In his view the policy of not assessing "prospective assets" did not apply to leases which had been specifically granted for the reclamation of forest. If the leases were seventy years old, there was still in some cases much forest to be reclaimed. This forest was already bearing some assessment under the terms of the last settlement, while there was sometimes a provision that the forest should be brought under cultivation within the period of the engagement and should be assessed as cultivated land at its termination. The Settlement Officer considered that the failure of these stipulations was due to the fact that the forest rate was too dilatory in its progressive increase and too light in its ultimate amount. All experience in the Sundarbans showed that reclamation was as in Nali-Casperszābād most successful where the full rate was applied quickly and approximated to the letting value of the land. In Nali-Casperszābād the rates were 12 annas an acre (4 annas a bigha) in the first year, 24 annas in the second, 36 annas in the third and rupees three, the full rate, in the fourth. By such terms as these the tenant is compelled to reclaim or is mulcted in heavy loss. A light assessment, although apparently favourable to the tenant, is really injurious, as he is encouraged to be listless by the knowledge that he loses little by it. When as in the Sundarbans the tenant is usually a middleman who lives comfortably in the north of the district and rarely visits the estate, the hope of profit is not a sufficient incentive for the laborious work of reclamation, unless supported by the goad of actual loss when the worker flags. Although personally inclined to expect the best results from the same rates as were imposed in Nali-Casperszābād, he would recognise the traditional moderation of Government and proposed for the assessment of forest a rent-free

* Land Revenue Policy of the Government of India, (1902) page 47.

term of four years and a rate of 12 annas per acre from the fifth year, 12 annas from the ninth year and 36 annas, the full rate, from the thirteenth year, one quarter of the total area of forest to be deducted as equivalent to the probable amount of unculturable land. The Director of Land Records would have none of this proposal and adhered to his former view that in accordance with the general rule of the Government of India, the assessment must be based upon the present income which is derived from the land as forest. In this view he thought any rent-free period illogical, but he gave way to the talukdar's appeal for time and allowed a rent-free period of five years before the assessment came into force, while he fixed the assessment at one rupee per acre payable without deduction to the State on all the forest within the estate, except such as was included in the holdings of raiyats and covered by contractual rents which had been accepted. It was at first intended only to assess the talukdar with the forest rate and to leave him to make his own arrangements with his tenure-holders in respect of it; but the talukdars represented that the tenure-holders would not make such arrangements willingly so that they would be driven to the expense of a civil suit to obtain rent for the forest from the tenure-holders. Forest within the limits of each tenure was therefore assessed from the sixth year at a rate of 18 annas per acre for tenures under the *sadr malguzār* and of 20, 22 and 24 annas for subordinate tenures of lower grades. In effect therefore the policy adopted in the assessment of forest was a compromise between two views. It remains to be seen how successful it will be in securing reclamation.

395. Whilst assessment was being made on these principles, it was found that there was a group of estates in which the tenure-holders had been assessed with some formality in 1881 at a *bighā* rate and demanded assessment by a similar method in the present settlement. To meet their case the Director of Land Records formulated an alternative system of assessment on the 3rd of April 1908 for "cases in which the *hāolādār* can show an equitable claim, either from previous settlement papers or otherwise, to be assessed on a basis of area." The application of the new system was left to the discretion of the Settlement Officer. In this system the talukdars' profit of 25 per cent.

Alternative system: assessment of *haoladars* upon a basis of area.

and the acceptance of the contractual rents of raiyats were unchanged, but the *hāolādārs* were to be assessed on a basis of area in place of a basis of profits. "The rate per acre for *hāolādārs* should be about 30 per cent. lower than 'the standard raiyatwari rate' for the village in question. The *hāolādāri* rate will be an all-round rate and will apply to *khanit-patit*. Rates intermediate between the standard raiyatwari rate and the *hāolādāri* rate will be determined for the different grades of derivative *hāolās* (*i.e.*, *nim-hāolās*, etc.) and will also be all-round rates, inclusive of *khanit-patit*."

396. There were sixteen estates in which the papers of the previous settlement papers recognised in the *hāolādārs* a right to settlement on the basis of area and to fifteen of these the new system was applied. In the case of the sixteenth, *Marichboniā*, an assessment had been made at a very early date under the rules applicable to the rest of the district; and as this had received the preliminary sanction of the Board of Revenue on the 7th of January 1907, it had not been reassessed under either of the later systems devised for the Sundarbans. Subsequently the discussion concerning the classification of *jote*-tenure-holders arose, which created a doubt as to the legal status of the *hāolādārs* and other tenure-holders in these sixteen estates, inasmuch as they had been declared to be "rai-yats" in a formal proceeding under section 5 of Act VIII of 1879 at the last settlement in 1881. In forwarding the report

System of April 1909.

of the assessment of *Marichbaniā* for the legal confirmation of the Board of Revenue, the Settlement Officer reopened the whole question in a memorandum,* which not only reviewed the past and present classification of tenants but also drew attention to the existing capricious assessment of the raiyats, in respect of which he had in a previous memorandum unsuccessfully proposed the application of section 112, of the Bengal Tenancy Act to obtain uniformity; more especially by a reduction of those rents which were excessive. The Director of Land

* No. 36, dated 20th January 1909, from the Settlement Officer to the Director of Land Records.

Records who had refused* to support the proposal for the application of section 112 now advised that the talukdars and tenure-holders of all the estates should be given an opportunity to represent their case before the Board of Revenue. This they did at Barisal on 7th April 1909, when terms were arranged to which the talukdars and tenure-holders in open court assented. These terms, which superseded the "system of August 1908," were as follows:—†

- (a) The status of raiyat shall be accorded to the cultivator (karshadar) and not to the haoladar or derivative haoladar.
- (b) The existing rents of raiyats, as defined above, shall (except in cases where they have been fixed by an illegal contract) be maintained and shall be recorded as fair rents under section 104 of the Bengal Tenancy Act.
- (c) The haoladars shall pay rent calculated on a basis of area, not on a basis of profits.
- (d) The rent of each haoladar shall be 35 per cent. lower than the standard raiyat-wari rate of that haola.
- (e) The rent of the talukdar shall be 75 per cent. of the rent payable by the haoladars.
- (f) As the osat taluk and the derivative haolas are not binding against Government the existence of such tenures shall not affect either the Government Revenue or the rent payable by raiyats. The rent payable by the osat talukdar shall be intermediate between the rent payable by the talukdar and the rent payable by the haoladars concerned, and the rent payable by each derivative haoladar shall be intermediate between the rent payable by the haoladar and the rent payable by the raiyats concerned. These intermediate rents shall be arranged by private agreement.
- (g) Where a raiyati holding (karsha) as defined in clause (a) has been purchased by superior landlords the principles of section 22 of the Bengal Tenancy Act shall be applied.
- (h) No haola or derivative haola which has been entered in the draft record shall now be struck out on the ground that the owner of such tenure is identical with the owner of the superior tenure. The legal question of the merger of tenures shall stand over without prejudice to any party.
- (i) In return for the concessions mentioned above the talukdar and the haoladars shall execute agreements in the form annexed. [*Vide Appendix L, Paper V, where the form is reproduced in full.*]

397. By these terms the only real change made in previous rules was the increase of the hāolādāri rate from 30 to 35 per cent. and the assessment of that rate upon the raiyati rate of each hāolā individually and not upon a standard raiyati rate determined for the estate as a whole. The revenue became 49 per cent. instead of 56 per cent. of the assets and the period was conditionally increased from 15 to 30 years. The status of the cultivators as raiyats was however definitely admitted by the tenure-holders, who undertook in their agreements neither to enhance rents nor to collect abwabs. It was subsequently decided‡ that the pāttās to be offered to the tenure-holders should be entitled: "Mufassal pāttā granted under section 9 (2) of Regulation VII of 1822" and that the kabuliyats to be executed by them should be entitled "Counterpart of mufassal pāttā granted under section 9 (2) of Regulation VII of 1822" and that the rate of rent for nim-hāolādārs should ordinarily be 20 per cent. below the raiyati rate of the hāolā within which each held, while they should be brought within the scope of the orders, receiving pāttās and executing kabuliyats in the terms approved for the hāolādārs. Should any tenure-holder fail to execute the necessary kabuliyat, his allowance was to be reduced by 50 per cent.

398. The work of assessment began again under these terms; but the evidence of the unhappy condition of the cultivators, of their fears of the

* Dated 5th May 1908.

† Dated 5th May 1909.

Nos 789-800 T., dated 17th April 1909, from the Director of Land Records to the Secretary to the Board of Revenue.

No. 268 S. & S.-G., dated 24th May 1909, from the Secretary to the Board of Revenue to the Director of Land Records.

‡ No 789-542 T., dated 14th January 1911, from the Director of Land Records to the Secretary to the Board of Revenue.

No. 207 S. & S., dated 17th January 1911, from the Secretary to the Board of Revenue to the Director of Land Records.

vengeance which the future had in store and of their passionate desire for khas management and to be rid of their talukdars were so overwhelming that the Settlement Officer undertook to make another effort to induce the higher revenue authorities to order khas management of the estate. This he accordingly did in a letter supported by a great mass of evidence containing two

Later reconsideration without result.

concrete proposals, for the assumption of direct management for twelve years under the power given by section 3 of Regulation VII of 1822 and for the merger of tenures of which an enormous number were in the hands of the landlords in each estate. The letter represented that after the last settlement in 1881 thirty per cent. of the cultivators had been forcibly evicted by armed force in revenge for the combination which they had made against their landlords and as many more had in fear abandoned their holdings, while the treatment of those who remained made up an astonishing story of oppression. The evidence showed "that heavy enhancements of rent were the rule after the last settlement and occur repeatedly since, that abwabs in addition are taken which amount to between 50 and 75 per cent. of the rent, that criminal prosecutions and false rent suits are weapons in continuous use, that heavy marriage fees and subscriptions are extorted and great fines exacted for the most trivial offences." It showed "further that this has been going on for more than 30 years, that after the last settlement a terrible vengeance was wreaked by the lessees upon the tenants who had dared to pray Government for redress and that for some years the estates became practically a desert." The Board of Revenue was doubtful about the legality of either course proposed and reference was made to the Advocate-General, who decided that section 3 of Regulation VII of 1822 did not apply to the talukdars and that merger was inoperative. There was no help for it, but to continue assessment on the terms arranged and to hand over the tenants to the tender mercies of the Government lessees. The effect of the terms arranged was to give the lessees a greater profit and better terms than were obtained by any other lessees in the Sundarbans or indeed in the district in return for the execution of kabuliyats by which they bound themselves to take nothing from their tenants which was forbidden by law. They were in plain terms a bribe given in order to secure good treatment for the cultivators of the land, an object which was unfortunately not attained. It was found by an enquiry* made in September 1912, barely a year after the execution of the kabuliyats, that abwabs were collected as merrily and rent-receipts refused as completely as in the days before pledges had been given. The cultivators were justified in their fears.

Resumed mahals.

399. In recounting the result of the application of these rules to individual estates, it will be convenient to adopt the old distinction between "resumed mahals" and forest grants (although the principles of assessment applied indifferently to both classes) to deal first with the "resumed mahals" and to divide them into four sub-groups:—

Detailed examination of assessment in "resumed mahals."

- (1) The 16 northern estates grouped round Marichbaniā.
- (2) The 3 estates in the Rabnabad Islands.
- (3) The 10 eastern estates along the western bank of the Rabnabad channel.
- (4) The 6 central estates to which may be added the single estate in Matbāriā.

The "system of April 1909" was applied to the first two of these sub-groups and the "system of August 1907" to the last two of these sub-groups.

* The report of this enquiry together with all the papers connected with the assessment of the Marichbonia group of estates is printed in full in Appendix L.

400. All except Bhāyāng Kākrābuniā of the sixteen estates in the northern sub-group were resumptions from Arangpur pargana in which Mr. Pargiter had formally recognized the superior tenure-holders as "raiya" in 1881. Bhāyāng Kākrābuniā was separated from the other estates by the Aylā river, had been resumed from Buzrugumedpur and was last settled in 1870, so that there was no formal proceeding declaring any grade of tenure-holders to be raiya. It might have been assessed under the system of August 1907 and was originally included amongst the estates assessed under the system of April 1909 by error. The talukdars however modelled their conduct upon that of the talukdar of Marichbuniā, so that it was subsequently decided that the later system of assessment was more suitable. In Bhāyāng Kākrābuniā there is an interesting *cherāgi* rent-free tenure in which is situated the oldest mosque in the district (built in 1465 A.D.). The mosque is in disrepair, but is still an object of great respect in the locality. The *cherāgi* is owned by Muhammadans, who claim to be descendants of the Fakir who built the mosque. Of the other estates eight were in Hāzikhālī, six under osat talukdars and two (which had been purchased by Government) under *ijārādārs*, whose lease was now terminated. In these two petty estates a raiyatwari settlement was made and the rents of the cultivators which had been fixed by contract with the *ijārādārs* and were uneven were made uniform by means of a small reduction of 8 per cent. in the total.

In these sixteen estates cultivation had advanced far at the time of resumption and little forest was included within their boundaries. Now there is no forest left and the population is very dense for a purely agricultural area. The most extraordinary feature in all these estates is the extent to which the talukdars are also owners of subordinate tenures. Remarkable features in the sub-group. Many of these are undoubtedly *ni* (or fictitious) tenures, some have been purchased and others occupied after the original owner and *ābādīkār* had been driven out of the estate. The figures for the different estates are most interesting:—

Name of Estate.	Total number of superior tenures under talukdars.	NUMBER HELD BY TALUKDARS.		Total number of subordinate tenures.	NUMBER HELD BY TALUKDAR.	
		Wholly	In part.		Wholly.	In part.
Marichbonia ...	39	17	15	122	81	5
Bazarghona ...	16	3	2	41	0	1
Patukhali ...	13	12	0	43	33	3
Chalitabonia ...	5	5	0	5	0	1
Bhayang Kakrebonia ...	3	2	0	209	82	16
Gorakhali ...	12	1	8	52	19	19
Hazikhali ...	24	13	0	60	17	3
Kalibari ...	2	2	0	19	6	9
Pakshia ...	11	10	1	38	29	3
Total ...	125	65	26	589	267	53

It will be seen that in five of the estates the talukdar owns practically all the tenures and in the remainder except Bāzārgḥonā at least half. The circumstances of these estates are described exhaustively in Appendix L. In all these estates abwabs are excessive, while heavy enhancements of rent took place in 1882 and possibly later, but in the absence of papers proof was impossible. The rents paid by raiyats are most uneven. Thus in 108 cases they were less than Rs. 6 per acre and in 89 cases more than Rs. 10 per acre. The majority (562 cases) were between Rs. 6 and Rs. 8, but 172 were between Rs. 8 and Rs. 10 per acre. There was nothing in the soil to justify these variations in rent. The lower rents were usually paid by tenants of the few independent tenure-holders who had managed to survive in the estates or were preferential rents granted in lieu of wages to *mriddhas* and *poons* of the talukdars: the highest rents were paid by tenants who had given trouble at some time or other to the talukdar. These rents were perforce accepted

as fair and equitable. Only 13 under-tenure-holders (of Gaurnadi and Dacca) refused to sign the kabuliyat and surrendered their tenures in Bhāyāng Kākṛābunīā which were taken up by co-sharers or the superior landlord. All of the other talukdars and tenure-holders in all the other estates signed the kabuliyats and broke the conditions before the ink of their signatures was dry. The figures of the assessment of the estates in the northern block are thus summarised in tabular form :—

Name.	Tauzi number.	AREA IN ACRES.		Revenue assessed.	Rate of rent per acre paid by raiyats.	Percentage of revenue upon assets of the estate.	Previous revenue.	Nature of settlement.
		Total.	Land only.					
				Rs.	Rs. A.		Rs.	
Marichbonia ...	4552	2,596	2,425	8,509	7 2	49	5,328	Talukdari.
Gerakhali ...	4660	313	302	1,054	7 8	49	675	Do.
Hazikhali ...	4561 & 4268	180	160	694	4 15*	100	204	Raiyatwari.
Do. ...	4582 to 41, 4566 to 68	743	617	2,173	5 0	49	1,329	Osat talukdari.
Bazarghona ...	4643	1,391	1,331	4,914	7 9	49	3,276	Talukdari.
Kalibari ...	4644	1,132	1,093	4,166	7 12	49	2,553	Osat talukdari
Patukhali ...	4645	971	932	3,285	7 0	49	2,355	Talukdari.
Challitabonia	4630	547	498	1,773	7 7	49	1,257	Do.
Pakshia ...	4694	809	481	1,720	7 4	49	1,276	Do.
Bhayang Kak-rabonia.	4764	2,509	2,425	6,620	6 0	49	3,823	Do.
Total ...	...	10,981	10,300	\$4,908	.....	.....	22,166	

* Somewhat reduced from the contractual rents fixed by ijaradars. In all other estates the rents are fixed by private contract between cultivators and their landlords.

401. The Rabnabad islands were originally one island which has been gradually cut into two by the wide and furious Dārçhhirā (breaker of oars) channel. They are very old and appear in ancient maps under the name of Doni Manic Islands. They were apparently first colonised by Mughls from Arakan under the leadership of Angu Magh, whose descendants are still in the islands, although reduced by extravagance to a dependance upon the charity of other Mughls. Apart from these Mughls who settled in the islands under the authority of the Magistrate (of Dacca), there appear to have been no other inhabitants at the time of the Permanent Settlement although collusive leases were granted by the Chandradwip zamindars in the year preceding it. At the time of resumption however (1831) there had been considerable reclamation and the usual mālguzārī settlement was made with talukdars, ignoring the prior claims of the Mughls. The islands are terribly exposed to cyclones and to annual fluvial action. At the present time diluvion is most destructive on three sides and has not been compensated by alluvion on the south. The area at resumption was apparently 40,000 acres and in 1880 48,000 acres, whereas in 1910 it had been reduced to 45,000 acres. There are however extensive mud chars on the south which are now only uncovered at low tide, but will shortly add considerably to the land area of the islands. The land area of Bara Bāisdiā, the larger island, is 22,142 acres and of the smaller island, which contains two taluks—Chhota Bāisdiā and Rāngābālī—19,313 acres. Of the larger island 70 per cent. is under cultivation and homestead and of the smaller 60 per cent. There are some gardens of cocoanut and betelnut, but the soil is not very suitable. The homesteads are generally substantial and occupy altogether over 1,500 acres. Pasture occupies 1,266 acres and the cattle are in excellent condition. There are 2,400 acres of char which will very soon be culturable. The forest in Bara Bāisdiā, which covered 8,500 acres in 1880, covers less than 2,000 acres now and is scattered in small patches. In the smaller island there is no forest, but 1,100 acres of culturable jungle. In both islands there is a belt of forest on the seaface which is maintained as a protection against storm waves. The population has increased from 11,899 in 1891 to 14,601 in 1901 and is chiefly Muhammadan with 673

Hindus and 1,060 Mugh. The Hindus are Halia Dasses from Noakhali and many of the Muhammadans have migrated from the same district. The Mugh. have been pushed out of the smaller and will soon abandon the larger island for the greater security and contentment of an estate under the direct management of Government. It will be a great pity however if they are compelled to desert altogether their first settlement in Bākarganj.

The assessment was made under the "system of April 1909" so that the Government revenue represents only 49 per cent. of the assets of the estate, the talukdars taking 16 per cent. and the hāolādārs 35 per cent. The existing contractual rents of raiyats were not varied and in the average there were found to be Rs. 3-8 per acre in Bara Bāisdiā, Rs. 3-3 in Rāngābāli and Rs. 3 in Chhota Bāisdiā. Raiyats hold altogether 28,890 acres in the two islands, or nearly the whole of the occupied area. They complain greatly of the severity of abwabs. Under the talukdars there are altogether 109 hāolās and 3 osat taluks of which the holders are in 93 cases not resident in the islands and in addition 907 subordinate tenures, the holders of which are in 356 cases absentees. The talukdars own 47 of the hāolās entirely and 13 more in part together with 88 subordinate tenures and a share in 59 more. Their profits from the estates are therefore unduly large, as they are all absentees and spend nothing on the development of the estate. Bara Bāisdiā is still held by the Pogose family, the original talukdars, but in the smaller island the Paniotys defaulted and Rāngābāli was bought by a Dacca merchant in 1900, Chhota Bāisdiā by some Subidkhāli speculator in 1902. The average rate of rent paid by raiyats exhibited no great differences, but the rents paid by individual raiyats varied much more than the average rate of the hāolās. It should be explained that no detailed enquiries into the behaviour of the talukdars and tenure-holders were made in the Rabnabad islands either before or after the execution of kabuliyats in the prescribed form. The cultivators were and are eager to come under khas management and it is doubtful if any other expedient could retain the Mugh. in their old settlements.

The figures for these three estates may be summarised in tabular form as follows:—

NAME OF ESTATE.	Tauzi No.	Area in acres.		Revenue assessed.	Rate of rent per acre paid by raiyats	Previous revenue.	Assessment of forest.
		Total.	Land.	Rs.	Rs. A.	Rs.	
Bara Baisdia	4,607	25,295	22,142	31,204	3 8	15,741	All capable of cultivation assessed at the full rate in the 6th year in case of raiyats and in the 15th year in case of tenure-holders. Not assessed.
Rangabali	4,589	12,466	11,160	14,625	3 3	9,421	
Chhota Baisdia.	4,828	9,673	8,152	11,812	3 0	10,630	
Total	...	47,434	41,455	57,641	...	36,792	

402. The sub-group on the western bank of the Rabnabad channel was

The Eastern estates. generally well cultivated at the time of resumption, one-fourth of the whole area being actually cleared and a much larger part cultivated, but extensive areas of forest were included in the leases in all estates. Before the storm wave of 1876 the whole area was practically reclaimed, but that wave broke upon this coast with disastrous effect and much of the land relapsed into jungle. The population is still thin, forest is still considerable, and the proportion of fallow is very large as always before an estate is fully developed. Mugh. form a considerable and growing element in the population. Two of the estates have been purchased by Government and settled raiyatwari, three are held by a number of small tenure-holders and only six are held under the ordinary talukdari settlement. Of the tenures in the talukdari estates many were abandoned after the storm wave and the talukdars took possession without merging them.

Forest covers 14,148 acres or 43 per cent. of the total area and was assessed at the last settlement in all these estates. In the present settlement 5,332 acres in the talukdari estates were assessed with a revenue of Rs. 3,851; but the greater part, over 9,000 acres, is now unleased forest available for colonisation in Nisānbāriā, Dhulāsar and Bāliātali. The great want in all these estates is good drinking water and no increase in population or in cultivation need be expected until this want is supplied.

403. Kātādiā which was resumed only in 1849 was permanently-settled at a revenue of Rs. 206-8-2 in 1852, but defaulted after the storm wave and was purchased by Government in 1884. A hāolā covering nearly one-fourth of the estate was unnecessarily recognised and the hāolādār was made mālguzār in respect of the whole estate with a right to resettlement; but with no right of sale or sublease. Both these conditions were broken and the lease was therefore cancelled in 1908. The hāolādār who lives in Gaurnadi has created a nim haola over the whole estate, the holder of which settled raiyats at excessive rents which were reduced in this settlement to Rs. 4-12 per acre, while khas raiyats were assessed at Rs. 3-12 per acre. This small estate urgently needs a good tank with fresh water.

404. Krishnapur is under a talukdari lease, but the talukdar has sublet almost the entire estate to some Tepura Muhammadans and the remainder to a relative. The talukdar has no power in the estate and his lessees enhanced the raiyati rental after attestation; but in accepting existing rents as fair these enhancements were ignored. This estate also urgently needs a fresh water tank.

405. Debpur had been almost entirely reclaimed before its resumption and was permanently settled at a revenue of Rs. 1,739 in 1852. The proprietors defaulted after the storm wave and the estate was purchased by Government in 1880-81, but a talukdari lease was granted to the quondam proprietor and an old hāolā covering 827 acres was also recognised, as the hāolādār had behaved well after the flood. Since the last settlement 63 subordinate tenures have been created, but all except 13 are held by residents. Two of the tenures are held by the talukdar. Two other fictitious tenures created by him have been cancelled. The talukdar belongs to an old and impoverished family and is a considerate landlord who takes an interest in the estate. He was therefore granted an allowance of 30 per cent. and the old hāolādār was granted 20 per cent. The rents paid by raiyats in this estate were low.

406. Dhānkhāli contains two estates under osat talukdari settlement, but the owners are largely, although not entirely, the same. At the time of resumption, cultivation had advanced very far and by 1876 the estates were practically fully developed. A reduction in revenue after the wave was allowed from Rs. 8,026 to Rs. 4,608, but the talukdars mismanaged the estates which they filled with absentee middlemen from the north of the district. As a result there was little progress in reclamation and the cultivators, left without assistance, often heavily rented and compelled to pay frequent abwabs, are in a miserable condition. Many of the hāolās were abandoned after the wave or sold to the talukdars for a mere song; thus in the larger estate of 13 hāolās 10 wholly and two in part belong to the talukdars, while in the smaller estate the talukdars and their relatives have an interest in 8 out of the 10 hāolās. Under the present law, at least as it is interpreted, none of these tenures merge and the talukdars under the system of assessment in force received a double allowance as both hāolādār and talukdar, although in fact they deserved neither. The talukdars are speculators and money-lenders, who have done nothing for the improvement of the estate. They have kept land back from reclamation in order to secure a lower assessment and when a tenant has brought forest under cultivation outside the boundaries of his lease, they have involved him in civil litigation by a claim for khas possession. In these circumstances no rent-free period was granted in these estates before the imposition of the forest rate. The larger estate defaulted in 1898 and was purchased by Government, but on the recommendation of the Commissioner was handed

back to the talukdars. Had the cultivators been consulted in the matter, this course could never have been adopted.

407. In Nisānbāriā since resumption the area has more than trebled by alluvion. It was formerly a talukdari estate, but was purchased by Government for arrears of revenue in 1886. Despite a protest from the Collector the Board of Revenue permitted the talukdar to re-engage for the estate in a terminable lease, of which one of the conditions was that he should not oppress the tenants. On the death of the quondam talukdar in 1908, the Collector refused to continue the engagement with his heirs. The late talukdar was feared and hated by his tenants, whose rents he had illegally enhanced, from whom he extorted heavy abwabs and whose daughters he was alleged to kidnap to be his slaves. Four fictitious hāolās which he had created were cancelled and the tenants were all classified and assessed as raiyats. The rents of the tenants were maintained at the rates which the late talukdar collected previous to the illegal enhancement. There are 460 acres of forest available for colonisation.

408. In Lālūā there were two estates belonging to the same talukdar, which have been amalgamated. The smaller estate has been very largely reclaimed; but not half of the larger estates is under cultivation. The holdings of the existing tenants are much too large and there is not sufficient good land left for the support of new colonists. Unless therefore the old tenants can be induced to give lands on the banks of the internal streams to new comers, there is not much hope of any large reclamation of forest. There is a strong Mugh colony in Lālūā and rents of cultivators are very moderate; but abwabs are collected in addition. Under the talukdars there are two tenures in the smaller estate and thirty in the larger, of which the talukdars themselves hold both the former and nineteen of the latter, together with an interest in seven more. They own also 28 of the 109 subordinate tenures. Under the existing law merger could not be applied in any of these cases. Altogether the tenure-holders in this estate are non-resident in 78 out of 141 cases.

409. In Bālīātālī there are two estates with a total area of 9,000 acres which formerly were under ordinary talukdari settlement, but which defaulted after the storm-wave. Some 200 acres occupied by squatters were dealt with by the colonisation officer and nearly 6,000 acres are unleased forest. The area under settlement measured 1,460 acres and is held by 20 petāo talukdars. The petāo talukdars were originally all Mugh, but now only one taluk is retained by them and nearly all the rest have passed into the hands of foreign middlemen who neglect the estate and are extortionate in abwabs. It is unfortunate that after the last purchase all the petāo taluks, except those held by residents of the estate, were not avoided. Under the petāo talukdars there are 21 osat talukdars, etc. The prevalence of the name taluk is due to the love of the Mugh for the title of talukdar. The petāo talukdars were given an allowance of 25 per cent. in Bara Bālīātālī, which they hardly deserve as their naib recorded fictitious rents for the tenants whose real rents were in some cases never successfully ascertained. Moreover the Mugh, deserted their old lands in order to avoid ill-treatment by them. A plentiful supply of tanks is the most urgent need of these estates.

410. Dhulāsar was originally under talukdari settlement, but the taluk was purchased by Government in 1847. From 1870 the estate was farmed out to Baradakanta Rai of Kalaskāti, but the farm was cancelled for default in 1893 to the good fortune of the tenants. It has increased greatly by alluvion, as it measured only 630 acres in 1833, but over 5,000 acres in 1910. Of this area 308 acres occupied by squatters were assessed by the colonisation officer, 928 acres held by subordinate tenure-holders recognised in previous settlements were under settlement and the remainder is unleased forest and char. The tenure-holders are almost all resident and did not abandon the estate after the flood. They were allowed 25 per cent. in the present assessment. This estate is very exposed and will need much care and attention before it can be fully brought under cultivation.

Detailed figures of assessment.

411. The details of assessment in the eastern group are shown below in tabular form :—

NAME OF ESTATE.	Tanji number.	Area in acres.	Revenue assessed.	Rate of rent per acre paid by raiyats.	Percentage of assets granted to subordinate tenure-holders as profits.	Percentage of revenue assessed upon assets.	Previous revenue.	Nature of settlement.
			Rs.	Rs. A.			Rs.	
Katadia ...	4449	232	682	{ 4 12 (a) }	25	88	211	81 acres haoladari : res
Krishnapur ...	4148	229	513	{ 3 12 (b) }	16½	64	254	raiayatwari.
Debpur ...	4532	2,529	4,103	3 3	17	60	2,333	Talukdari.
Dhenkhal I ...	4543	6,891	9,687	3 8	17½	63	3,837	Ditto.
Ditto II ...	4544	1,467	2,297	4 4	17	62	771	Osat talukdari.
Nisanbaria ...	4545	3,097	6,325	{ 3 12 (b) }	None	100	2,419	Ditto.
Lalua I ...	4609	9,981	7,514	{ 3 0 (c) }	18	62	3,841	Raiyatwari.
Do. II ...	4604	420	517	2 10	15	64	239	Talukdari.
Bahatali I ...	4580	998	1,532	3 0	25	75	862	Ditto.
Do. II ...	4581	405	760	3 10	30	70	524	{Area held by peiao
Dhulasar ...	4583	928	1,674	3 0	27	73	529	talukdars only.
Total ...	...	27,235	35,514	...	...	...	15,820	Area held by haoladars and osat haoladars only.

(a) Contractual rate. (b) Rate fixed for raiyats under Government. (c) Rate for Mugh tenants.

412. The central group is almost wholly reclaimed so that only 750 acres which lie in Taktābuniā, Chilā and Sonā-utā are still covered by forest. The forest rate was applied to 458 acres and produced Rs. 358. The large area of 1,300 acres is under pasture, but otherwise the fallow in these estates is very small. The population is very thin except in Kukuā.

413. Kukuā measures over ten square miles and is fully developed. Apart from 314 acres of pasture only 3 per cent. of its area is fallow and there is no forest. Its population is 4,500, and the large area of 446 acres is under homestead and garden. It was formerly under osat-talukdari settlement, but the osat talukdars defaulted and Government purchased the estate in 1890. Unfortunately all the tenures in the estate, which might have been avoided after the sale, were recognised with the result that the estate is now covered by 18 hāolās and by 268 under-tenures, most of which are held by the hāolādārs. All the hāolādārs are non-resident speculators as well as 209 of the 263 under tenure-holders. Of the total area 90 per cent. is held by raiyats, whose rents are very unequal in rate and in some cases over Rs. 10 per acre. Heavy abwabs were also taken by the tenure-holders. The tenure-holders were granted 25 per cent. allowance and 13 hāolādārs holding four-fifths of the estate together with 191 under-tenures within their haolas applied to place their tenures under the management of Government. As this was in accordance with the declared intention of Government to take over the direct management of the Sundarbans as far as possible, the application was granted by the Board.* The arrangement was to continue for 30 years and of the assessed profit of the tenure-holders one quarter or Rs. 1,414 was to be retained by Government for the expenses of management and three quarters or Rs. 4,242 to be paid to the tenure-holders. Apart from this arrangement the assessment of the estate was to continue only for 15 years.

414. Taktābuniā which contains 4,000 acres of land is under talukdari settlement, but in one of its two villages, Haldiā, there is a subordinate osat taluk over the entire area. There are 30 haolas and 143 subordinate tenures. The talukdars, osat talukdars, haoladars and 120 of the subordinate tenure-holders are absentees. Of the haolas 23 and of the subordinate tenures 31 are wholly or partly held by the talukdars. The land of the estate has greatly deteriorated owing to the neglect of the talukdar since the great wave, which destroyed all the embankments. This neglect has permitted one stream to broaden into a river and another to let the salt water of the high tides into a large area of arable land, but even now a little expenditure and some trouble would soon repair the fertility of

* No 42 B.—D., dated 29th November 1910, from the Secretary to the Board of Revenue to the Commissioner of the Dacca Division.

the soil. As a consequence the land is going out of cultivation (327 acres have already lapsed into jungle or forest) or is being deserted, while the rental has been reduced and is now only half what tenants in the neighbouring mauza of Kukuā easily pay.

415. Tepurā is a smaller fully-developed talukdari estate in which there is no forest. The rate of rent paid by cultivators is very moderate and there is no subinfeudation, as the talukdars have purchased or got rid of all under-tenures except three petty nim-haolas. The talukdars have however somewhat neglected the estate and they levy abwabs so that the condition of the cultivators is not as good as it should be. By an arrangement, similar to that made in Kukuā, the talukdars with the Board's sanction * made over the management of the estate to Government for 30 years and of their profit Government retains one-fourth or Rs. 447 for the expenses of management. The rents of the raiyats are subject to revision after 15 years as in other estates. By this arrangement Government deals directly with the cultivators in all except 100 acres of the estate.

416. Although one quarter of the total area included in Chilā at its resumption was cultivated, the whole in contravention of the rules prescribed by the Governor-General in Council was given in 1857 the benefit of a 99 years settlement under the rules of 1853. The proprietor however defaulted in 1886 and, although the estate was settled subsequently with a malguzār, he refused to engage in 1909 and the estate is therefore now under direct management. With the termination of the malguzār lease, 14 tenures which he had created were avoided, but all sub-lessees who cultivated their lands were accepted as raiyats. The cultivators were very eager to come under direct management in order to avoid the payment of abwabs. The soil is good and the rate of rent paid by cultivators, which was not varied, was found to be higher than the rates in force in Taktābuniā and Tepurā. The tenants in the estate are all cultivating raiyats with the exception of two non-resident tenure-holders, who hold 350 acres under old hāolā leases. The forest only covers 206 acres, of which 80 are available for colonisation.

417. Sonāutā was under osat talukdari settlement until 1884 when it was purchased by Government for arrears of revenue and thereafter under ijārā until 1898. Subsequently 12 hāolās were needlessly recognised, of which two have been purchased by Government. One-sixth of the entire area is still under forest, but half of this is unleased and available for colonisation. Of the leased area 1,107 acres belong to hāolādārs and 83 acres to raiyats. The rate of rent paid by raiyats under the hāolādārs is Rs. 4-4 per acre; and a rate of Rs. 3-12 was assessed upon the few cultivators holding directly of Government. Of the ten hāolādārs four are absentees and all collect abwabs in the usual manner. It was most unfortunate that the hāolās which could all have avoided and were for the most part created very recently by the temporary ijārādār were recognised in 1898.

418. Chāorā originally consisted of two estates, the smaller measuring only 220 acres and comprising the land which some Mughls had brought under cultivation before resumption, the larger estate consisting of virgin forest which was after resumption reclaimed by the D'Silva family who also purchased the smaller estate from the Mughls. The Mughls then abandoned the estate. The reclamation was not made under the authority of any authorised forest grant, but accepting the logic of accomplished facts the Sundarbans officials treated the D'Silvas as talukdars of a "resumed mahal." At the last settlement made in 1869 the whole of the forest had been reclaimed and all but 6 per cent. of the land was classified as "hāsīl." At the present time of 7,727 acres of land, 6,279 are under cultivation, 657 homestead and garden, 473 pasture and only 264 culturable fallow. The D'Silva talukdars had sublet the estate to 24 tenure-holders and they in turn to a host of smaller middlemen, who were mostly absentees and money-lenders. The tenure-holders were not only very troublesome, but paid rent most irregularly to the talukdars. At the last settlement

* No. 43 S., dated 3rd November 1910, from the Secretary to the Board of Revenue to the Commissioner of the Dacca Division.

the tenure-holders were at first excluded, but on appeal they were admitted for the term of the settlement on condition that they should have no claim to resettlement and that they should not increase the rent of the cultivators. They protested against these terms to the Local Government, but unsuccessfully. In the present settlement it was found that the rents of the cultivators had not merely been increased, but had been doubled and trebled. With the sanction of the Board of Revenue the tenures were terminated in 1909 and such of the tenure-holders as cultivated any part of their lands were recognised and assessed as raiyats in respect of it. Out of 387 subordinate tenure-holders 196 were so recognised. The rate of rent at which the raiyats were paying to their landlords varied enormously, being as low as five rupees in the case of the talukdar and as high as twelve rupees per acre under rack-renting tenure-holders. As there was no justification in the soil for these variations, the bulk of the land was assessed at a uniform rate of six rupees per acre, while 900 acres of the best land was assessed at Rs. 6-13 per acre and 12 acres of inferior land at Rs. 3-13½ per acre. These rates are sufficiently high when compared with neighbouring rates in private estates, but they constitute a very considerable reduction upon the rents previously paid and were welcomed by the cultivators. The rates were all-round rates and only water was left out of assessment. The Board of Revenue had granted the talukdars on the termination of their old lease a farming lease for 30 years from 1902. The allowance of the farmer was fixed* by the Board of Revenue at 25 per cent. and subsequently at his application was commuted† into an annual payment of Rs. 8,000, Government assuming, as the cultivators desired, the management of the estate and retaining Rs. 3,790 to cover the cost.

419. Titurām Peshkār is a petty estate consisting of five detached plots originally included in Tushkhāli, which were the subject of a successful civil suit with the owner of Debnāthpur. At one time the estate was known by the name of "five plots of purple-coloured lands." Talukdari settlement was granted in 1899, despite the unwillingness of the tenants, in compromise of a threatened civil suit in connection with some other land of Tushkhāli. Half of the area in the estate is held by jote tenure-holders. No enhancement was taken from the raiyats and other tenants, as they are not prosperous owing to the talukdar's exactions. The talukdar obtains only 10 per cent. allowance by the terms of the compromise.

420. The details of assessment in the central group are shown below in tabular form:—

NAME OF ESTATE.	Tauzi number.	Area in acres.	Revenue assessed.	Rate of rent per acre paid by raiyats.	Percentage of assets granted as profit to subordinate tenure-holders.	Percentage of revenue assessed upon assets.	Previous revenue.	Nature of settlement.
			Rs.	Rs. a.			Rs.	
Kukna ...	4560	6,697	26,850	6 5	27½	72½	12,805	Haoladari.
Taktabonia ...	4538	4,375	7,693	3 5	16	64	6,127	Talukdari.
Tepura ...	4608	2,402	4,599	2 15	15	71	3,060	Ditto.
Ohila ...	4540	4,539	13,702	3 16	22	98	2,472	Raiyatwari.
Sonsautā ...	4541	1,620	3,427	4 12 (a)	20	81	1,169	Haoladari.
Chaura ...	4801	8,086	35,370	6 2 (b)	...	75	13,121	Farm.
Titurām Peshkar	5328	180	852	5 0 (a)	16	80	850	Talukdari.
Total ...	...	27,908	92,500	...	...	...	39,604	

(a) Rate fixed for raiyats under Government. (b) Rents fixed by the Revenue-officer and involving a reduction on previous contracted rents. The rents in all other cases were based upon contract, in Ohila with the malguzār, who threw up the lease. A small area in Ohila is held by tenure-holders and in Sonsautā by raiyats.

Forest Estates.

421. The period of none of the forest grants fell in during the course of the settlement operations so that only such of the forest as was not included in a

* No. 141 S. & S. T., dated 17th May 1910, from the Secretary to the Board of Revenue.

† No. 60 S. & S. dated 9th January 1911, from the Secretary to the Board of Revenue.

regular grant but had been reclaimed by other means came up for reassessment.

Assessment in forest estates. The four estates in which this condition prevailed covered a large area, which was in a state of such great confusion that very laborious and detailed investigations were necessary before their reassessment could be completed. No special rules or principles of assessment were prescribed for these estates, to which the system adopted in the rest of the district was applied.

422. Bargunā and Dhaluā were the two estates claimed by the Nawab of Dacca as belonging to Ailā Phuljhari and decreed to Government by the Privy Council in 1870. They narrowly escaped being the subject of a 99 years lease in 1861 and of a sale in 1870, while in the meantime the owners of Ailā Phuljhuri pressed to be granted a permanent settlement of them. In 1858 at the first survey after resumption the cleared area in Bargunā was only 1,205 acres and in Dhaluā 572 acres: fifty years later it had become 26,000 acres, thus:—

Forest estates.	Land area.	Under cultivation.	Homestead and garden.	Pasture.	Fallow.	Jungle.	Forest.
Bargunā ...	19,196	15,063	833	545	504	968	1,162
Dhaluā ...	8,714	7,601	665	244	349	327	17

Only that portion in each estate came under assessment which had been occupied at the time of resumption or by subsequent squatters up to the time when the issue of grants in the small capitalist form under the rules of 1879 first began. This portion measured 5,126 acres in Bargunā and 4,727 acres in Dhaluā. It comprises very little forest and jungle, but a large proportion of the homesteads and pasture in the estates. The tenants in the area were 19 *hāolādārs* holding 4,594 acres and 33 "rai'yats" holding 532 acres in Bargunā and 20 *hāolādārs* holding 2,600 acres and 94 "rai'yats" holding 2,114 acres in Dhaluā. The *hāolās* are locally known by the name of "*musarikūtū*." They have received from the time of creation 20 per cent. on the assets of their tenures as allowance and they cannot create any under-tenure. A large number of the *hāolās* are unfortunately in the hands of speculators who have not troubled to select cultivators as their tenants with the result that many of the "rai'yats" are absentee middlemen who have sublet their holdings to under-tenants to whom they give *karsā dākhilās* (i.e., rent-receipts in the "rai'yati" form). Altogether of the so-called rai'yats under Government 9 have been classified as tenure-holders in Bargunā and 47 in Dhaluā, while amongst the so-called rai'yats under the *hāolādārs* there were recorded 132 jote tenure-holders in Bargunā and 115 in Dhaluā. The number of rai'yats under middlemen of all classes was 613 in Bargunā and 588 in Dhaluā. In assessment there were therefore seven kinds of tenants to deal with, *hāolādārs*, *sadr jotedars* and *sadr rai'yats*, *jotedars* and *rai'yats* under *hāolādārs*, all of whom were paying rents fixed by the Settlement Officer in 1889 and for all of whom new rents were now to be determined; and on the other hand *rai'yats* under *jotedars* and *rai'yats* settled on the land by *hāolādārs* since 1889, all of whom were paying rents based on private contract. The rents of the last two classes were maintained at their contractual amounts and in the average the rate of these rents amounted to nine rupees per acre, a high rate, upon 1,395 acres. It was found impossible to ascertain the rates of rent which were fixed for the old *jotedars* owing to a lack of information in the old reports on the method of classification of the land. Four rates were therefore adopted in the present settlement, Rs. 5-10-9, 5-4-9, 4-8-7 per acre for old holdings according to the fertility of the soil and Rs. 3-12-6 for new holdings. All these rates were all-round rates and applicable to fallow. *Mugh* holdings were assessed at Rs. 3-12-6 on *hāsīl* only in accordance with their traditional privilege of retaining scattered clumps of jungle in their lands without assessment. These rates gave an increase of 11 per cent. upon the previous assessment and in the average amount to Rs. 5-4 per acre. The *hāolādārs* were as in previous settlements allowed 20 per cent. on their own assets. The Government revenue however only amounted to 70 per cent. of the *rai'yatwari* assets, because a large profit (72 per cent.) was left to the *jotedars* in the land which they had sublet

owing to the acceptance of the contractual rents of their tenants and to their own assessment at the moderate rates adopted for cultivating raiyats. Those estates were assessed somewhat early in the proceedings. At a later date different rates would probably have been fixed for land sublet and land reserved as in other estates and by this means more of the raiyatwari assets retained for the revenue.

Apart from the area under assessment, there are 198 hāolās in Bargunā covering an area of 13,937 acres and 63 hāolās in Dhaluā covering an area of 4,001 acres, which were granted under the waste land rules of 1879 between 1884 and 1903. They were granted at progressive rents rising to an eventual rate of Rs. 3-12 per acre with liability to quinquennial survey and revision of assessment at the covenanted rate which is not alterable until the end of the term for which they were settled. Under the terms of the grant, the hāolādārs have no power to sublet to middlemen, but this condition has been honoured only in the breach, as they have created 578 osat and nim-hāolās in Bargunā, whose owners have in their turn created 291 under-tenures, and 358 osat and nim-hāolās with 41 subordinate tenures in Dhaluā. Very extensive reclamation has however been made. In Bargunā 10,920 acres is under cultivation and 473 under homestead, while only 787 acres of forest and 870 acres of jungle are left. In Dhaluā the cultivation and homestead is 3,610 acres, the forest only 4 acres and the jungle 161 acres. Most of the land is still reserved by the under-tenure-holders, but 2,000 acres have been sublet in Bargunā and 772 acres in Dhaluā to raiyats at a rate of rupees nine per acre. The size of the hāolās was restricted by the rules to 200 bighas, but 69 hāolās in Bargunā and 25 in Dhaluā are larger than this, several being much larger with the result that too many are held by absentee speculators. A quinquennial measurement under the terms of the grant was made in the district settlement with the following financial result:—

		Existing revenue.		Revenue assessed.		Increase.
		1910.	1917.	1910.	1917.	
		Rs.	Rs.	Rs.	Rs.	
Bargunā	...	44,818	45,413	48,061	48,708	3,295
Dhaluā	...	14,426	14,426	15,326	15,326	900

These estates have made a very rapid development. Where in 1889 the cleared area was 8,260 acres, twenty years later it was 25,000 acres; where in 1880 the revenue was only Rs. 25,480, in 1910 it was Rs. 1,05,916. Too many of the tenants still live elsewhere and come to the estates only at the time of cultivation. In the southern parts of the estates there are no inhabitants apart from the Mughls, while deer and tiger abound. Fresh water tanks and roads running from north to south are required before population can be tempted into this area. In the meantime the Mughls to whom the rapid reclamation of Bargunā is really due are flying, despite great prosperity, from contact with Bengalis. In the rest of the estates too many of the Bengali hāolādārs are speculators, who have sublet to cultivators at very high rates and in addition take abwabs and refuse rent-receipts, but under the closer supervision of the colonisation officer their conduct is improving.

423. Some part of Tiākhālī had been reclaimed before resumption.

Tiākhālī.

This area, which measured 2,800 acres in 1851, was added to a forest area of nearly 5,500 acres and included in a 99 years lease in 1856 in contravention of the rules governing the issue of those leases. In 1870 the clearance conditions had not been fulfilled; and as the estate was almost deserted after the storm-wave and had practically tumbled into jungle, it was resumed in 1879 and divided into nine blocks for facility of reclamation. These blocks have been again amalgamated in the

present settlement. Of the total area only 1,491 acres were under resettlement, 4,397 acres being forest, available for colonisation and 1,489 acres being already occupied by cultivators, chiefly squatters, whose rental was under the Board's order* to be assessed by the colonisation officer. In the 1,491 acres under resettlement the forest area has shrunk since the last settlement from 936 acres to 136 acres. There are two hāolās, both of which are owned by a wealthy Faridpur Sāhā, who in contravention of the terms of his lease has created 20 under-tenures.

424. Kālāmeghā which is wonderfully fertile contains a land area of 20,953 acres (33 square miles) of which only 290 acres came under assessment, but the grant was in a state of complete confusion and gave more trouble than any other estate under assessment. Kālāmeghā was under a 99 years' lease from 1857 to 1869 and on resumption again was set apart for the grant of cultivation leases to small capitalists under the rules of 1879. Of the 148 hāolādāri grants made under these rules 39 which were created in 1903 were cancelled by the Board of Revenue, as in contravention of the rules they exceeded 200 bighas, were not granted to cultivators and the grant was not preceded by reclamation. Many of the older grants were equally irregular, thus a Sub-Registrar got 1,200 bighas of which 1,150 was forest. There was also a great deal of transparent *benāmi*, by means of which one man got more than a single grant. Altogether the method in which grants had been made was flagrantly in contravention of the rules under which they had been made. In the hāolās which have been admitted and which contain 5,471 acres, a quinquennial measurement and assessment of the area under cultivation was made under the conditions of the grants and resulted in an increase of Rs. 1,676 to the revenue of 1910 and of Rs. 1,940 of the revenue of 1917. A condition of the grant was that under-tenures should not be created. This has been so generally disregarded that 385 under-tenures were recorded, while under them 208 subordinate tenures were found. Of these under-tenure-holders 360 are resident and 233 are absentees, while of the hāolādārs themselves 104 out of 111 are absentees and pure speculators. The rent paid by cultivating under-tenants in these hāolās appears to average about Rs. 4 per acre; but in addition the hāolādārs realise heavy abwabs. The occupied area outside the hāolās, which amounted only to 290 acres, belonged to raiyats in the cancelled hāolās and a few old squatters. Three rates Rs. 4-8, 3-12 and Rs. 3 per acre were fixed on *kāsil* (reclaimed) land only in this area. An area of 11,156 acres was available for colonisation in 1910 and has subsequently been largely reclaimed. The population of the estate was 626 in 1901, chiefly gaol birds, outcasts and desperadoes, many of whom had been converted by the magic of property into respectable citizens. There is an immense new alluvial formation to the south of this estate, which will not however be culturable for many years.

Figures of assessment in forest grants.

425. The details of assessment in the forest grants are as follows:—

NAME OF ESTATE.	Tauzi No.	Area under assessment in acres.	Revenue assessed in rupees.	Rate of rent per acre paid by raiyats	Percentage allowed to middlemen as profit.	Percentage of revenue assessed upon assets.	Previous revenue.	Nature of settlement.
			Rs.	Rs. A.	Rs.		Rs.	
Barguna	5008	5,126	21,153 {	5 0 (a)	20	70	16,180	Mainly haoladars.
Dhalua	5007	4,727	21,344 {	4 8 (a)	20	73	16,522	Ditto.
Tiakhal	4600	1,491	3,246	3 3 (b)	20	80	1,305	Haoladars.
Kalamegha	4573	290	720	3 14 (a)	Nil	100	Nil	Raiyatwari.
Total ... ..	...	11,634	46,463	...	...	...	33,987	

(a) Rents determined by the Revenue Officer.

(b) Contractual rents of tenants under middlemen accepted by the Revenue Officer.

* No. 32^{W.P.}_G, dated 25th August 1903, from the Secretary to the Board of Revenue to the Director of Land Records.

Sundarban alluvium.

426. The greater part of the accretions and islands which have been increased the area of the Sunderbans since the first resumption are uncultivated, uninhabited and devoted to pasturing large herds of cattle. Three came under assessment, one of which is a cultivated island in the Baleswar river, but the other two are uninhabited islands in the Meghnā Estuary, which were really unfit for assessment.

427. Char Bholmārā formed in 1866 as an island in the Baleswar river south of the Sundarban line. It was at first farmed with most unfortunate results, as the farmer in contravention of the terms of his lease let out the whole of the char to 34 non-resident osat-hāolādārs, who settled tenants at a much higher rate of rent than the land, which is sandy, could bear. The farmers also levied heavy abwabs. The cultivators were in a wretched state and heavily in debt and they cried out for khas management. The farm and the osat-hāolās were terminated

and a raiyatwari settlement concluded with the cultivators, whose rents were reduced from over six rupees an acre in the average to Rs. 4-4 an acre. One-tenth of the char provides good pasture, which although included in the holdings of the raiyats was not assessed. In addition the Collector helped the cultivators with loans to pay arrears of rent so that the farmer should not be able to get back into the island by purchase of their holdings. Colonisation cannot be expected until a tank with good water is provided in the island, while an embankment to keep out the high tides in the Baleswar, which is salt, would be very useful. By this assessment the revenue was increased from Rs. 1,125 to Rs. 1,890 despite the reduction in the cultivators' rents.

428. One island in the Meghnā Estuary was Char Trailakyā, which was resumed after the last diara survey and settled with raiyats at a rental of Rs. 441. It subsequently transpired that the settlement was a bogus transaction and that the cultivators were really *benāmidārs* of the zamindars of Bāuphal and Dāsmīnā. In the meantime Babu Bipin Behari Mitra sued for the land as a reformation *in situ* of his permanently-settled estate and, although the Government had an exceedingly strong case, the suit was compromised in the High Court on the basis of the recognition of the plaintiff as a lessee. The land is good land and culturable, but it has been kept wastefully as a grazing ground. A lump rental of Rs. 1,000 was assessed upon it.

429. The other estate in the Meghnā Estuary is Sibār Char, which covers four islands, but not the whole of them. It is a temporarily-settled private estate, because the rest of the islands to which it is an accretion are claimed as land which was permanently settled at the time of the Permanent Settlement. Actually they were not then in existence, but through oversight they have never been resumed. The land of Sibār Char, which is very extensive, is good land, but only 518 acres are cultivated, as the proprietor has settled most of the land with tenure-holders, who obtain an easy income from grazing dues and do not trouble to find cultivators. This estate was completed before assessment in the rest of the Sundarbans had begun and did not receive the attention which it merited. Both here and in Trailakyā the question whether the land should be reserved as pasture or broken to the plough required serious consideration, as the two systems cannot thrive side by side. The revenue should have been fixed with an eye to the policy adopted and in Sibār Char clause VIII of Regulation VII of 1822 might profitably have been employed. As it was, the conditions and terms of the contracts made by the proprietor have been accepted, which involved amongst other anomalies the classification of 3 tenants who hold 1,288 acres of grass and jungle as raiyats. The proprietor will continue to develop the estate for another 15 years in his own haphazard manner. The area of the estate is 4,373 acres and the revenue assessed upon the proprietor Rs. 4,464.

430. In the whole of the Sundarbans 43 estates, with an area of 305 square miles came under assessment, of which 36 were "resumed mahals" 4 forest estates and 3 alluvial estates. During the course of the operations nine estates in which middlemen intervened were converted into raiyatwari

Summary of the revision of revenue in the Sundarbans.

estates so that after reassessment 12 estates were settled with raiyats and 32 with middlemen. Adopting the same tabular forms as were employed in dealing with other parts of the district, the area at the present compares with the area at the previous settlement in acres as follows:—

		Area assessed.	Area unassessed.	Total.
In the present settlement	...	186,115	59,404	195,520
In the previous settlement	...	118,772	60,968	179,740

The increase in area is due chiefly to alluvion, but also in some degree to erroneous measurement in previous surveys. Of the area unassessed on both occasions one-sixth was water. The revenue of this area before assessment was Rs. 2,19,532 and after assessment Rs. 3,48,319. The effect of the assessment upon different classes of tenants is obscured by the great expansion of cultivation, while the increase in the area held khas owing to the cancellation of terminable tenures is so great as to make unreal any comparison of the rents paid by raiyats holding under Government. Thus before assessment only 5,867 acres were so held whereas after assessment the area became 15,123 acres upon which a rent of Rs. 47,357 was fixed at an average rate of Rs. 3-2 per acre. The moderation of this assessment is illustrated by the following summary of the rents paid by raiyats under middlemen which average nearly Rs. 5 per acre:—

ASSESSMENT UPON MIDDLEMEN AND RAIYATS HOLDING UNDER MIDDLEMEN.								
			Pseudo-raiyats.		Tenure-holders.		By both classes of middlemen.	
			Area.	Rent.	Area.	Rent.	Area reserved.	Rental of raiyats.
			Acres.	Rs.	Acres.	Rs.	Acres.	Rs.
Before reassessment	...	...	2,143	5,810	137,708	2,15,317	57,548	82,301
After ditto	...	...	2,543	8,793	138,026	3,15,027	64,627	75,942
								3,66,882
								3,68,476

There was thus a reduction in middlemen's profits from Rs. 1,45,725 to Rs. 34,713; but more than half of the vast area reserved by middlemen is cultivated by them or their servants and a great part of the remainder is culturable without any great expenditure of capital or trouble.

Summary.

431. It will be convenient to summarise for the whole operation the results of the revision of land revenue and the reassessment of the rent of the different classes of tenants.

A total area of 373,325 acres or 583 square miles distributed in 280 separate estates was brought under revision, of which 289,847 were assessed and 83,478 were treated as at present unfit for assessment. The revenue resulting from the revision was Rs. 7,87,472 against a previous revenue of Rs. 4,64,385 or an increase of Rs. 3,23,087 or 70 per cent. The assessment affected raiyats as follows:—

			RAIYATS UNDER GOVERNMENT OR A PRIVATE PROPRIETOR.			RAIYATS UNDER MIDDLEMEN.			TOTAL OF ALL RAIYATS.		
			Area.	Rental.	Rate per acre.	Area.	Rental.	Rate per acre.	Area.	Rental.	Rate per acre.
			Acres.	Rs.	Rs. A.	Acres.	Rs.	Rs. A.	Acres.	Rs.	Rs. A.
Before assessment	...	...	48,118	96,068	2 0	166,165	6,52,035	4 0	213,283	7,48,103	3 8
After ditto	...	...	57,103	1,92,198	3 6	150,721	6,70,273	4 7	207,830	8,62,741	4 2

Middlemen of all classes, who had held an area of 249,636 acres at a rental of Rs. 4,04,080 and with a surplus of Rs. 2,47,955 over the rents paid to them by raiyats were now assessed at Rs. 6,39,313 on an area of 259,190

acres and their surplus was reduced to Rs. 30,960. They had reserved however 108,469 of their acres, of which nearly half were cultivated or occupied with a letting value of approximately two lakhs of rupees, while more than half of the remainder could be brought under cultivation without much trouble. Indeed under the spur of necessity a great deal of the forest and waste included in this area has been already, as it appears from extensive enquiries, brought under cultivation since the assessment was concluded. Finally the allowances granted to proprietors have been reduced from Rs. 31,815 to Rs. 26,653. On the whole the revenue immediately before assessment represented about 47 per cent. of the existing assets of the estates, while after assessment it represents 75 per cent. of the revised assets. The revised assets are not by any means the ultimate assets of the estates concerned. When the periods of the present settlement fall in, an improvement in the assets of two lakhs of rupees may reasonably be expected, and this while maintaining the rents of raiyats fixed by the revenue authorities (as distinct from those fixed by contract) sensibly lower than those in similar lands of permanently-settled estates.

432. Although under the principles "*khanit patit*" or land which produces no income to the tenant was left out of assessment, yet the area of "*khanit patit*" differs considerably from the unassessed area. This was due chiefly to the acceptance of contractual rents, which had invariably been fixed as a lump rental upon the whole of a holding, the waste as well as the culturable and cultivated, but partly also to the imposition of a forest rate in some estates in the Sundarbans. Thus in the Sundarbans, although the *khanit patit* amounted to nearly 100,000 acres, only 59,000 were unassessed. The figures for the whole area show both an increase in cultivation and a shrinkage of waste, but they show also that despite this approximately the same area was unassessed now as at the previous assessment. Of this area one-eighth comprising rivers and streams was unassessable —

		Hasil area. in acres.	Khanit patit area in acres.	Percent- age of khanit patit to total area.	Area un- assessed. in acres.	PERCENTAGE OF UN- ASSESSED AREA TO.	
						Total area.	Khanit patit area.
At the previous settlement	...	186,527	151,915	45	105,550	81	70
In the present settlement	...	255,624	117,700	31	83,478	22	71

433. A few points of additional information are summarised below. In all the estates 10,429 acres were held by under-raiyats, or 5 per cent. of the area held by raiyats, and they paid a rent of Rs. 56,658 or at a rate of Rs. 5-7 per acre. These rents were rarely touched by the revenue officer.

434. The scale of allowances granted to middlemen was—

	45 per cent. of assets in	1 estate.
	40 ditto	7 estates.
Scale of allowances to middlemen.	30 ditto	14 "
	25 ditto	24 "
	20 ditto	21 "
	15 ditto	49 "

But in 36 estates this was the scale for resident middlemen and a lower scale, usually by 5 per cent., was granted to non-resident middlemen. These figures do not include the allowances granted in Sundarban estates which have been sufficiently examined in the tables specially relating to them.

435. As regards raiyats holding under middlemen at a rate of rent fixed by private contracts, these contracts were accepted in 102,000 acres paying a rent of Rs. 4,70,000 or at a rate of Rs. 4-9 per acre. They were modified

in 49,000 acres where a rent of Rs. 1,98,000 was imposed involving a rate of Rs. 4 per acre. In a few cases a rent which had been illegally enhanced was reduced, but the modification in the majority of cases was an enhancement by assessing increased area or increased cultivation in an individual holding or by bringing lower contractual rents up to the standard rate adopted for the village. In the cases of raiyats who held direct of Government or a private proprietor, the existing rates of rent were maintained (or in a few cases reduced) in one-third of the total area held by such raiyats and enhanced in the remaining two-thirds. An abstract by thanas has been prepared (Appendix K) to show how the rates in the temporarily-settled area compare with the rates paid by raiyats in the permanently-settled estates in each thana.

436. In all the private estates and in the great majority of the Government estates, the currency of the assessment was fixed at 15 years. This is a short term, but under the present law and in the circumstances of Bākarganj imperative. The rent of an occupancy raiyat under the Bengal Tenancy Act is fixed for 15 years and is liable to alteration thereafter, so that there is no legal objection to a middleman enhancing the rents of his raiyats after that time. The middlemen in the temporarily-settled area have shown themselves so rapacious that to fix a term of more than 15 years would inevitably mean that the Revenue Officer in reassessment would be confronted with heavy enhancements extorted by them. Apart from this danger, there are so many estates which were not reassessed during the present settlement and whose periods expire at very different dates that to impose a uniform date of expiry upon the estates under assessment would have been no advance towards the imposition of a uniform date of reassessment for the entire temporarily-settled area in the district. Such a date is very desirable in the amount of work of which it would relieve the Collector in the making of partial reassessments, but under the present law it is impossible. To obtain such a date not only the Tenancy Act but Regulation VII of 1822 would require amendment. The ideal term of settlement in Bākarganj is 25 years, which in the short-lived generations of the district would involve a revision of rent and revenue once and once only in the lifetime of each generation.

437. In addition to the work of assessment heretofore described three estates with an area of over 20,000 acres—Falcon, Jagabandhu and Ramjanpur—which have subsequently been transferred to other districts, were assessed, while a great deal of miscellaneous work in the temporarily-settled area was done by the settlement staff. A killabandi survey was made in the south of Sāhābāzpur to facilitate the colonisation of that area and to reduce the expense of survey in future assessments. At the same time investigations were made and terms proposed for the admission of colonists into the waste land estates of that quarter. In char Krishna Prasād a huge grant to the south of Mānpurā, which had been given in terms of dangerous vagueness, the progress of cultivation was examined, the terms of the grant modified and its boundaries surveyed and clearly defined. The resumption proceedings in char Meghā and char Buller were re-examined with the result that a large area of char land of great potential value was secured for Government. Terms and contracts were suggested for colonists and char Buller was surveyed on the killabandi system to assist its cultivation. A local examination was made into the clearances in the 99 years' leases and although abortive in most cases, because of fraudulent clearance-certificates granted in the past, it resulted in two cases in action against the proprietors on lines suggested by the Settlement Officer. Finally the new policy in the Sundarbans, involving the abandonment of experiments with so-called capitalists, the selection of *bona-fide* cultivators as colonists, the formation of a colonisation office and the assumption by the State of the direct administration of the property, developed on the lines suggested by the Settlement Officer. The settlement staff supplied the district also with its colonisation officer so that it may be hoped the lessons learned by the long investigations into the temporarily-settled area will not be entirely lost.

438. Those lessons must sufficiently appear from this long account of these resettlement operations. The most important lesson is intimately connected with the record-of-rights. Whether the interests of Government or

the interests of the cultivators be considered, it appears vital to the proper management of the temporarily-settled area that the record-of-rights should be maintained and corrected up to date. It is chimerical to suppose that a staff whose main business is the collection of revenue will have sufficient time or interest for that kind of attention which alone can ensure the welfare of the tenants in the estates. Maintenance would not be an excessive charge, when the large additional income which is derived from the temporarily-settled area is borne in mind, and it would not be an unproductive charge in a district in which new land is always forming and fresh soil is always being broken to the plough. Government interests in the estuaries of the great rivers and along their banks must continue to suffer until a map is made annually of all new lands formed during the year. Colonisation schemes both in the Sundarbans and in Sāhābāzpur would gain greatly by the surveys being kept continually up to date. The cultivators on the other hand would be secured effectually against extortion and eviction by their landlords, security which would be almost as costly to provide in other way and would have no such corollary advantages.

CHAPTER III.

PROCEEDINGS AFTER THE FINAL PUBLICATION OF THE RECORD-OF-RIGHTS.

Introductory.

439. Although the proceedings connected with the preparation of a record-of-rights appear naturally to be complete with the final publication of that record, there are in fact several operations which still remain to be carried through by the settlement staff. In the first place a proportion of the cost of the operations is to be recovered from the landlords and tenants for whose benefit it was prepared. Advantage is taken of this opportunity to present to each landlord and tenant, as he pays his cost, a copy of the village map and a copy of the khewat or khatīān which has been prepared for him. In the second place the Bengal Tenancy Act provides in section 105 an opportunity for landlords or tenants to obtain the settlement of fair rents by a revenue officer, in section 106 an opportunity by which parties aggrieved by any entry in the record-of-rights may sue for its alteration and obtain a formal trial of the question in issue by the methods of the civil court and in section 108A a means by which an admitted error in the record-of-rights may be formally corrected.

Applications for the settlement of fair rents under section 105 must be made within two months from the date of the certificate of final publication, disputes under section 106 must be filed within three months from the date of the certificate of final publication and applications under section 108A must be filed within one year of final publication.

In the matter of time recovery of costs under section 114 of the Bengal Tenancy Act comes first; but as the estimated expenditure on case-work is also included in the amount recovered and as the accounts of expenditure include this work, it will be more advantageous to deal with the case-work first.

Cases under section 105.

440. In the area in which settlement of Land Revenue is not being made, any landlord or tenant may apply for the settlement of a fair and equitable rent in respect of the land held by the tenant. This may be done [section 105 (2)] in respect of tenancies already paying a rent fixed by private contract which has been recorded as liable to enhancement and in respect of tenancies for which no rent has as yet been settled, but which have been

recorded as liable to pay rent. The revenue officer is not given an entirely free hand in settling rents. He must presume until the contrary is proved that the existing rent is fair and equitable; but he may [section 105 (6)]; accept compromises between landlord and tenant, although only after he has satisfied himself that the amount agreed upon is fair and equitable, and he may [section 105 (5)] also himself suggest a rent, which, if both landlord and tenant accept, will be recorded as a fair and equitable rent. Failing agreement he will [section 105 (4)] himself determine a rent with regard to the rules laid down in the Act for the guidance of Civil Courts in altering rents.

The applicant may not impugn the correctness of any entry in the record of rights; but the defendant may (section 105A), and, if he do, the revenue officer will proceed to decide the point in issue.

In settling rents, the procedure for the trial of suits is prescribed (section 107) and the decision has the force and effect of a Civil Court decree between the parties, while there is a bar (section 109) to the ordinary jurisdiction of the Civil Courts. An appeal (section 109A) lies to a Special Judge appointed by the Local Government and a second appeal to the High Court on any matter in issue except the rent settled, while a power of revision is reserved (section 108) to the Local Government where there has been no appeal.

The grounds upon which a rent may be legally altered are various.

In the first place (section 52) the rent of all tenants may be increased or diminished for an alteration in the area of the tenancy, provided the alteration be real and not fictitious.

In the second place the rate of rent may be enhanced or reduced on several grounds.

The rent of a tenure-holder may be enhanced (section 7) up to the limit of the customary rate payable by persons holding similar tenures in the vicinity or, in the absence of such customary rate, to what is fair and equitable provided that not less than 10 per cent. of the net profits is allowed after deducting the expenses of collection. The Court must further consider the circumstances of creation and the improvements made by the tenant. Before such enhancement can be given, the applicant must show* that the existing rent is not fair and equitable.

There is no ground upon which a tenure-holder may obtain a reduction in the rate of his rent.

The rent of an occupancy raiyat holding on a money-rent may (section 30) be enhanced on four grounds, two of which are of general and two of special application. The general grounds are that the rent is without sufficient reason below the prevailing rate paid by occupancy raiyats for land of a similar description and with similar advantages in the neighbourhood or that there has been a rise in the average local prices of staple food crops during the currency of the present rent. The special grounds are that the productive powers of the land have increased either by fluvial action or by a landlord's improvement. As neither of these special grounds was urged in *Bākarganj*, it is unnecessary to deal further with them beyond remarking that lands in alluvial areas are usually let at a high *solāmi* and at a high rent in anticipation of improvement by fluvial action, which accounts for the absence of cases brought on this ground which might otherwise in a river district like *Bākarganj* be considered something of an anomaly. The determination of the prevailing rate is governed in *Bākarganj* by section 31 of the Tenancy Act and not by section 31A, which has not been extended to this district. The general principles governing the determination are that the prevailing rate is not an average rate, but the rate actually paid and current for land of a similar description and with similar advantages in tenancies held by a large majority of the occupancy raiyats in the locality.† When the prevailing rate has once been determined, it cannot (section 31 B) at any future time be again determined at a higher rate. A rise in prices

* *Hem Chandra Chaudhury v. Kali Prosonno Bahadur*, I. L. R., 26 Cal. (1899), p. 832.

† *Sital Mandal v. Prosonno Moyee D-bya*, I. L. R., 21 Cal., p. 986 [1894].

Sadhu Singh v. Ramanogralall, 9 W. R., p. 83 [1868].

can only be proved (section 32) by the comparison of the average prices in a decennial period closing with the date of the application and in a previous decennial period selected by the court and the amount of the rise shall be in any case subject to a deduction of one-third.

The rent of an occupancy raiyat holding at a money-rent may be reduced on proof of permanent deterioration in the soil or of a fall in the average local prices of food crops, while an occupancy raiyat, who pays rent in kind, or his landlord may apply (section 40) to an officer making a settlement of rent for the commutation of his produce-rent into a money-rent.

All enhancements may be made progressive (sections 8 and 36) over a period of five years, if likely to cause hardship.

441. This summary of the law is necessary for an understanding of the operations in Bākarganj district under this section, the results of which are detailed in the following statement. It may be premised, that although in

theory section 105 applies equally to a landlord seeking enhancement and a tenant seeking reduction of rent, in fact it is only employed for the increase

of rent. There were only seven applications for decrease of rent in the district, all on the ground of diminution in area and mostly decreed, but none have been included in the statement :—

Class of tenant.	INCREASE OF RENT GRANTED UNDER SECTION 105.										Total increase.
	Total number of applications.	Existing rental.	WITHDRAWN OR REFUSED.		ALLOWED.		INCREASE GRANTED FOR—				
			No.	Existing rental.	No.	Existing rental.	Excess area.	Rise in prices.	Prevailing rate.	Other grounds (section 7).	
		Rs.		Rs.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Tenure-holders	3,692	1,01,090	2,402	53,707	1,290	47,383	8,543	...	145	470	9,158
Raiyats	9,173	1,45,167	4,213	67,709	4,960	76,409	17,785	8,063	882	...	21,160

This statement is based on the original decrees of the revenue courts.

442. In order to analyse the statement it will be necessary to consider the case of tenures and holdings separately. The following table summaries the result of cases in respect of tenures :—

Name of thana.	EXISTING RENTAL IN CASES—		Increase of rent decreed.	Percentage on previous rental.	Name of thana.	EXISTING RENTAL IN CASES—		Increase of rent decreed.	Percentage on previous rental.
	Which failed.	Which succeeded.				Which failed.	Which succeeded.		
Berisal ...	700	28	49	175	Baufal ...	705	302	89	29
Hškarganj ...	823	69	23	32	Patnākhāli ...	2,136	5,737	1,839	32
Nalchhiti ...	751	903	208	33	Galschapā ...	6,677	106	60	47
Gaurnadi ...	1,980	362	144	40	Antali ...	2,078	2,901	678	23
Mahendiganj ...	1,227	186	53	29	Swarupkūti ...	2,208	331	126	38
Jhālakūti ...	1,802	137	51	37	Pirozpur ...	827	247	44	20
Bholi ...	2,974	1,803	670	42	Bhāndāra ...	10,330	13,346	2,034	16
Barahānuddin	4,603	1,554	1,177	70	Mathbāri ...	12,807	19,864	1,870	10

443. It is impossible to comment on these figures. In Bākarganj a tenure-holder may be a small man, cultivating all his land or cultivating a part and subletting the remainder, or he may be a mere middleman or a landlord on a large scale. The courts made no attempt to keep these classes distinct, but meted out the same treatment to all alike. Probably the large majority of cases were filed against small men. Some of the failures were no doubt due to a settlement out of court; but the large majority failed either owing to technical

flaws or to the inability of the landlord to prove a previous measurement in absence of which an application for assessment of excess area must fail. In the successful cases almost the whole of the increase was granted for excess area. This is not surprising, as most of the tenures had been entered in the record-of-rights as held at a fixed rent and in such cases an increase in area was the only ground which would entitle the landlord to any increase of rent.

The complete failure of the landlords in the Sadar subdivision is remarkable. A certain number of cases were however compromised out of court; but in general the landlords were small men who had never been able to measure their lands and were thus unable to offer legal proof of excess area.

Half the cases were filed in thanas Bhāndāriā and Mathbāriā: but of these almost one-half failed. The failures were chiefly due to mismanagement by the Court of Wards (Syedpur Estate) which was most unfortunate. This estate consists partly of forest and partly of *bīl* and there can be no doubt that many tenure-holders are holding large areas for which they are paying no rent; but the strict proof demanded for a decree was not forthcoming. In Bhāndāriā the Dacca Nawab's family obtained the larger part of the increase decreed; but the opposition was bitter, partly because feelings of resentment had been stirred up by a private survey and attempted enhancement, which the previous Manager had made in order to forestall the record-of-rights, and partly because the Kachā river which has become saline within the last 15 years has reduced the fertility of the soil in its periodical inundations. The Nawab's Agent perhaps pressed his legal rights too hard here and the revenue officer might have granted some set-off for deterioration of the soil, where the tenure-holder was not a pure middleman. Mathbāriā has been reclaimed from forest within the memory almost of old men and in the course of reclamation many tenure-holders have absorbed areas for which they pay no rent. Kumar Narendra Mitra and the Bāmnā landlords obtained most of the increase. The failures were due, as in Bhāndāriā, to the Syedpur Estate.

The forest thanas, Patuākhāli, Galāchipā and Āmtali, were responsible for most of the cases in the Patuākhāli subdivision and the Nawab of Dacca, chiefly in his Ailā Phuljhuri Estate, was the most successful landlord. The failures in Galāchipā were in the islands, where an auction purchaser, Bepin Behari Mitra of Hooghly, hoped to appease the hostility of his tenure-holders by tacitly admitting the fixity of their rents and another landlord, Upendra Nath Sen of Basanda, compromised his cases out of Court.

In the island of Sāhābāzpur, the cases were numerous, but very unsuccessful. The landlords were usually unable to prove excess area and many tenants by the production of 20 years' rent receipts set up the presumption under section 50 of fixity of rent which the landlords were unable to rebut. In Barahānuddin thana alone in all the district were enhancements extensively granted on other grounds than excess area.

444. 736 appeals were filed to the Special Judge of which 323 failed

Appeals. The result of the successful appeals may be summarised as follows:—

	Cases.	Amount. Rs.
Increase granted, when the Lower Court had refused it	21	548
Additions granted to what the Lower Court had allowed	352	2,167
Reductions made in what the Lower Court had allowed	36	131
Increase refused, where the Lower Court had granted it	4	144

The Special Judge in his appellate decisions made no distinction between tenures and holdings so that the comments made later in dealing with holdings apply equally to tenures.

445. Applications for the settlement of a fair rent in respect of the holdings of raiyats were more equally distributed throughout the district. The following statement refers to the permanently settled portion of the district only and shows the general effect of the proceedings:—

NAME OF THANA.	EFFECT OF APPLICATION UNDER SECTION 105 UPON RAIYATS.							
	Area held by raiyats in thana.	Area for which application was made.	Percentage on raiyatwari area in thana.	Area in which application was successful.	Percentage on raiyatwari area of thana.	Total amount of increase granted.	Percentage of increase on previous rental.	Percentage of increase on raiyatwari rental of thana.
	Acrea.	Acrea.		Acrea.		Rs.	Per cent.	
Borisāl ...	63,929	377	58	228'52	35	185	26	06
Bākarganj ...	63,464	208	32	104'79	16	153	40	04
Nalchithi ...	51,205	9'3	2'4	848'48	2'71	241	32	16
Bavphal ...	77,351	1,142	1'47	450'49	58	386	17	09
Patuakhali ...	119,339	2,641	2'20	2,087'93	1'73	2,106	13	20
Gaũ-chipa ...	121,513	1,507	1'24	156'26	1'2	196	53	03
Gaurnadi ...	133,274	5,745	4'31	1,425'75	1'19	641	19	19
Mehnaiganj ...	128,068	3,839	2'98	1,765'45	1'37	789	12	12
Bholā ...	121,821	2,397	1'91	1,610'15	1'28	1,360	26	31
Bārānuddin ...	137,017	9,562	6'93	7,252'48	5'29	7,250	45	1'93
Jhāl kāti ...	47,297	868	1'83	443'49	94	637	23	29
Swarupkāti ...	82,683	5,253	6'40	2,577'79	3'00	4,008	45	1'99
Pirozpur ...	45,810	1,622	3'55	816'14	1'78	653	29	33
Bhāndāriā ...	28,147	1,151	3'90	573'89	1'94	929	27	67
Mattārā ...	62,619	2,165	3'39	1,101'24	1'75	1,682	17	32
Amāli ...	114,143	686	60	372'28	32	464	23	06
Total ...	1,378,78	34,981	3'00	21,713'54	1'80	21,150	31	.....

This statement shows the original work of the Revenue Courts. In retrials ordered by the Special Judge a total addition of Rs. 305 was made to the enhancement.

446. This statement displays very clearly what a small proportion of landlords took advantage of the settlement to obtain an increase in their rent-roll. This was due partly no doubt to a disinclination to disturb existing harmonious relations and still more to the circumstance that landlords of compact estates had in many cases obtained an enhancement very recently by private arrangement. In many cases also joint landlords, who are not permitted by law to make applications singly, were unable to agree to make them jointly. There can be no doubt however that the great check to the filing of applications was the large expenditure involved which frightened many of the larger landlords and entirely excluded the smaller men under whom the great majority of raiyats in Bākarganj hold.

447. Of the 9,173 applications filed, 3,514 were dismissed on technical grounds or withdrawn. A considerable number of these were no doubt compromised out of Court and many others were filed in haste and contained technical flaws which made prosecution impossible. In some cases lack of means was responsible for withdrawals and in others, chiefly in Sāhābāzpur, the impression that under section 105 the tenant could raise the presumption of section 50 by producing uniform rent-receipts, whereas High Court rulings destroy the value of such a presumption in the ordinary Civil Courts after a record of rights has been prepared.

Enhancement was refused on the merits in 699 cases, chiefly in Jhālākāti, Swarupkāti and Bholā. In these cases the landlord either failed to prove that the tenant was holding areas for which he was paying no rent or was unable to rebut the presumption of fixity of rent raised by a uniform payment for 20 years.

Proceeding to the successful cases, of the total increase of Rs. 21,150, 84 per cent., or nearly Rs. 18,000, was given for additional area, 14 per cent., or Rs. 3,000, on account of rise in prices and little over one per cent., or Rs. 282, on the ground of prevailing rate. The greater part of this also was granted in one thana, Gaurnadi, and in one mauza, Purba Char Sarikal where the estate had previously belonged to Government and the rates at which the tenants held were very low. The cases were hotly fought and

resulted in an increase of rate from 12 annas to 18 annas a *bigha*, which is considerably less than the rate prevailing in the neighbouring mauzas.

The enhancement allowed for rise of prices was spread over several thanas and was always $2\frac{1}{2}$ or 3 annas in the rupee.

448. In the Sadar subdivision applications were extensively made in Gaurnadi and Mehendiganj, but sparingly in all other thanas except Jhālakāti. Over 70 per cent. of the Gaurnadi cases failed. These were almost entirely the cases of the Court of Wards (Hāturiā Estate), which filed over 700 cases and obtained in the Lower Court a total enhancement of Rs. 4 in six cases, the other cases being dismissed on a technical ground, which the Special Judge in appeal decided was no bar to a decree; but the appeal only affected a few cases. Half of the Mehendiganj cases were withdrawn or dismissed; but a considerable proportion of these were compromised out of Court. In Jhālakāti the Keorā Common Manager was successful in 116 cases out of 150 cases, but the Court of Wards (Estates Mādhābpāsā and Syedpur) was very unsuccessful and the Nawab of Dacca lost 50 on the merits and withdrew 70 more.

In the Pirozpur subdivision applications in Swarupkāti were very numerous; but only half were successful. Most of the successful cases were in respect of land in the *bils* which have been partially reclaimed within the last 25 or 30 years. The tenant selects a piece of higher land and agrees to pay rent on the area culturable on the understanding that his rent will be liable to proportionate increase for the area which he may from time to time bring under cultivation. The average rate of rent is Rs. 5 per *kāni* or Re. 1 13 odd per acre. No enhancement of this rate was granted, but increases of rent for additional area were extensive. The chief landlord in these *bils* is Tarakanta Das Bhuiya, zamindār of Habibpur. The cases of Baikantha Nath Biswas of Jalābāri, which lay chiefly in the settled area, completely failed. One group of cases in this thana was a curious example of the tendency of the law to breed further litigation. In mauza Chalitābāri Kālī Prasanna Das, a pleader of Pirozpur, sued for settlement of fair rents in respect of a large area of *bil* which had been reclaimed by the tenants of Habibpur, but which he had obtained by a decree of the High Court after heavy litigation. The revenue officer held that in filing the applications, the landlord had declared his intention to treat the Habibpur tenants as his tenants and he therefore determined a fair rent; but the Special Judge reversed the decision on the ground that no man may be compelled to be another's tenant against his will as he may prefer ejectment; and the proper remedy of the landlord was to eject. The appeals were really fought by the Habibpur zamindār as a last effort in his long litigation with his rival; but there can be no doubt that when decrees for ejectment are obtained the tenants will accept the rival landlord in preference to abandoning their houses. In this thana also there were over 100 applications by tenants for commutation under section 40, Bengal Tenancy Act; but the revenue officer held, erroneously it seems, that he had no jurisdiction and referred the applicants to the Collector, to whom however they do not appear to have resorted.

In Matbāriā and Bhāndāriā a large number of petty cases were withdrawn or unsuccessful. Considerable increases of rent for additional area were obtained by the Dacca Nawab in Bhāndāriā and by the Bāmnā, Sonākhālī, Haltā and Debnāthpur landlords in Matbāriā. In Pirozpur most of the cases were unsuccessful.

In Patuākhālī subdivision half the applications were in Patuākhālī Thana and a large increase was granted for additional area. The principal landlord was the Nawab of Dacca and many of his cases were compromised. In the islands of Galāchipā Bipin Behari Mitra of Hooghly was successful in 117 cases, obtaining an enhancement from the Court in half the cases at 2 annas 6 pies per rupee for rise in prices after he had compromised with the remaining tenants for an enhancement of 3 annas in the rupee.

In the Sāhābāzpur island and especially in Thana Barahānuddin applications were very extensive, as the Dakshin Shāhābāzpur operations had familiarised landlords with this method of increasing their rent-roll. The chief applicants were Dinabandhu Sen, a pleader of Barisal, the zamindārs of Gopālpur Mirzā-

nagar and Uttar Shāhābāzpur and Haridās Āchārjya and his brothers, who hold a patni over 8 annas of Zamindari Krishnadebpur. The enhancements granted were large, amounting to 40 per cent. of the existing rental, but were chiefly for additional area. Many tenants however were able to raise the presumption under section 50 and obtain a decision that their rents were not liable to enhancement and the landlords taking fright withdrew many other cases in the anticipation that the presumption could not be raised in the ordinary civil courts. Rents are generally low in thana Barahānuddin so that the enhancement, usually about 3 annas in the rupee, which was freely given on the ground of rise in prices, will prove no hardship.

The most successful landlord in this subdivision was Dinabandhu Sān, who got enhancements in 539 out of 549 cases covering 2,520 acres and increased his rent roll from Rs. 4,410 to Rs. 7,174. These cases had a curious history. An enhancement in rate of 25 per cent. on the ground of rise in prices was allowed, where the old areas could not be proved. Where the old areas could be proved, enhancement was allowed either by assessing the additional area at the average net rate of existing rents or on the rise in prices, provided that in no case was the enhancement to fall below 25 per cent. Neither judgment nor schedule shows what the increase in area was or the average existing rates at which excess lands are to be assessed; but the rent-roll shows the existing rates to be Rs. 12·8 per kani for *bāstu* (homestead) and Rs. 20 per kani for *hāsīl* (culturable area). Half these taken together or Rs 31·4 was taken as the existing rate and the new rent settled on this basis. Considering that the proportion of *bāstu* to *hāsīl* in a holding is usually about 1 to 10, this method besides being contrary to law was very unfair and accounts for the very large enhancement of 63 per cent. given in these cases. The tenants appealed to the Special Judge, but every appeal except one was dismissed because the appellants did not file copies of the judgment and schedule in time. There was only one judgment and schedule, which were long and expensive to copy; and the tenants very naturally did not grasp the necessity of supplying the Judge with 300 copies of them. The single remaining appeal was postponed *sine die* and finally dismissed a year later without the appellant having been heard. The landlord obtained decrees in 19 cross-cases, with which he filed only one copy of the judgment and schedule. This decision created consternation amongst the raiyats in Shāhābāzpur and accounts for the large number of compromises made by the tenants both in other cases of the same landlord and also in cases of other landlords.

449. 1,310 appeals were filed to the Special Judge, of which 734 were unsuccessful. The result in those which were successful may be tabulated as follows:—

	Cases.	Amount. Rs.
Number of cases in which the Judge allowed enhancement where no enhancement had previously been given ...	58	203
Number of cases in which the Judge allowed enhancement additional to what had previously been given ...	410	1,602
Number of cases in which the Judge reduced enhancement which had previously been allowed ...	57	131
Number of cases in which the Judge rejected enhancement which had previously been allowed ...	51	732

450. The great majority of the successful appeals were against certain deductions made by the revenue officers, following the example of Mr. Beatson-Bell in Bāmnā. These deductions, usually 5 or 10 per cent., were made from the total increase for additional area to compensate for possible error in the previous measurement by the landlord, which was made with a rod in the native fashion. In addition, where in individual cases the increase was large, the landlord was not given his "full pound of flesh," the increase being modified so as to make them fair and equitable, as contemplated by the third clause of section 52. The Special Judge, Mr. Ezechiel, held in appeal in one case that there was no reason to assume that the error in the previous measurement by the landlord was

always in the landlord's favour and in the other that it "did not seem fair and equitable summarily and arbitrarily to reduce the rent payable by a tenant on the newly assessed area, merely because the total rent so payable is greatly in excess of what he has been paying hitherto." In these views the other Special Judge, Mr. P. G. Cammiade, agreed, stigmatising the deduction as illogical and the reductions as arbitrary. In the great majority of such cases the amount claimed in appeal was very small.

The enhancements allowed by the Special Judge were occasionally severe, as in the case of Bara Mānikā where existing rents were quintupled. The enhancement was allowed on the ground of prevailing rates and came into force at once. Probably the Judge had not examined the practical effect of his decision, when he gave his decree. The Special Judge has one great advantage over the revenue officer in these cases, as he has only to deal with the accommodating resentment of the pleader, whereas they have to consider the passionate interest of the tenants whose profits are in danger.

451. The landlords were bitterly disappointed with the proceedings under section 105. They complained alike of the cost and of the result. They regarded the procedure as a means provided by Government, by which they could legally obtain an increase in their rent-roll, a view for which historically there is some justification as when the legislature in passing the Bengal Tenancy Act limited the enhancement obtainable by private contract, which had often been harsh and arbitrary, it introduced section 105 partly to afford the landlord a legal means of increasing his rent-roll and partly to resume the old function of the state in Moghul times of fixing the proportion of their produce which cultivators should pay. The landlords therefore anticipated from this provision some compensation for the heavy expenses they had borne in the preparation of a record-of-rights. In the case of tenure holders they were not prepared to incur the odium which would accrue, if they challenged the fixity of rent which local custom assumes to be the privilege of

Disappointment of landlords, with the results. tenure-holders; but they anticipated a full assessment of rent upon excess areas, which the tenure holders held without payment of rent.

In the case of raiyats they looked forward to a considerable enhancement of rate as well as to the assessment of additional areas. That both tenure-holders and raiyats hold excess areas for which they are not paying rent is notorious in a district which has largely been reclaimed from forest in recent times, while the unequal rates prevailing in neighbouring villages has often caused comment and the rise in the price of rice is a matter of common knowledge; yet the landlords found it difficult to prove any of these grounds and complained of the expense in which the Civil Court procedure involved them. The larger landlords had a special ground of complaint in the distribution of their cases between several courts sitting at different places; but this was unavoidable, if the work was to be completed within a reasonable time.

452. It must be admitted that there was much to justify complaints. In truth the technicalities of the Civil Procedure Code are out of place in an application for the enhancement of rent and, while they make the employment of pleaders essential, they also necessitate a trial at headquarters where stamps, petition-writers and other Civil Court conveniences are to be obtained. In the larger groups of cases many months were taken in making them ready for

Considerable justification for their complaints. trial. Notices must be served on every co-sharer tenant, every minor must be provided with a best

friend, every death or transfer be formally and regularly recorded. Many cases also had to be withdrawn for defects in the plaint which had little or no bearing on the question of fair rent and which were due to the haste in which they were filed owing to the shortness of the period allowed by the law. When cases finally came to trial, the landlords were at once involved in new difficulties. In order to prove excess area, it is necessary to show that there was a measurement at the inception of the tenancy and that the land at the present measurement is greater than the land at that measurement after conversion into the same standard.* Few

amongst the landlords in the northern thanas at least have ever measured their lands and fewer still can produce continuous or complete papers of re-measurement. In many cases where there could be no real doubt of an increase in area the landlord had to compromise or lose the case. In order to prove prevailing rate the landlord had to prove the rates at which the majority of the neighbouring tenants held similar lands with similar advantages, which in a trial under the forms of Civil Procedure can only be done by bringing hundreds of witnesses into court for oral examination at prohibitive expense. Otherwise the landlord can only get enhancement up to the lowest of the varying rates† which was probably the rate at which the tenant already held. In Bākarganj moreover there are few villages in which prevailing rate or rates exist. To prove an increase in the productive powers of the land is at all times a difficult matter. The only ground left for the landlord was the rise in prices which was easy enough of proof, but was often not included in the plaint. This is at any time a debateable ground of enhancement and perhaps unfair in the case of small subsistence holdings. Measured in decennial periods the rise of prices has amounted to 9 per cent. in Bākarganj in 20 years.

In the matter of excess area the landlords were perhaps treated hardly. Many of their cases related to waste land areas which had been brought under cultivation within the memory of man. The revenue courts following the High Court ruling insisted on proof of a previous measurement, even where the holding of large excess areas was matter of common knowledge; but measurement is rarely made in tracts of waste, as it is not only difficult and expensive, but from the absence of distinctive physical features is likely also to be useless. It is probable too that the ruling applied to settled areas, where the existence of any land paying no rent was open to doubt. In any case tenure-holders were not ignorant men of the plough, who required special machinery to safeguard their interests. As an illustration of what the landlords complained of, the case of Taksimi Taluk Brindaban Chandra Sen, which belongs to Raja Sri Nath Roy Bahadur of Bhagyakul and other members of his family and lies within the Sedpur zamindari partly outside and partly inside the Bhāndāriā *bil* may be quoted. The Taluk contains an area of 12,119 acres and pays a rent of only Rs. 77-10, yet the zaminlar who pays a proportionate revenue of over Rs. 1,200 on the land comprised within the Taluk failed to obtain an enhancement of its rent.

453. Complaints were not confined to the landlords, as there were many also from tenants who objected to the harassing nature and still more to the

Complaints of tenants.

cost of the proceedings. When cases were taken up in the villages, it was found that the raiyats prayed to have them transferred to headquarter stations, where they could more easily match the lawyers of their landlord with lawyers of their own; yet when the cases were transferred the many delays and adjournments compelled the raiyats to leave them in the hands of their pleaders, who in Bākarganj often prove faithless, so that this legal assistance in absence of proper instructions proved barren. The costs were naturally very heavy; and it is significant that most of the appeals were undefended and that decisions which the tenants had obtained after a stout fight in the lower courts were accordingly reversed without a struggle. Thus the Munsiff, who tried cases remanded in appeal by the Special Judge, remarked:—

“I had come to learn on enquiry in certain *ex-parte* case that the tenants could not appear and defend the cases after remand, as they had been ruined in defending these cases in the lower appellate courts.”

Inability to defend did not save the tenant much, as he was cast in the costs of the appeals which went against him. Nor were these costs light. In one case, for example, where the additional rent decreed against the tenant in appeal was only eight annas, he was mulcted in twenty-six rupees as costs.

454. Another ground of complaint was that the revenue courts, even when sitting in the same headquarters, differed in their use of the discretion which the law allows them. It was unfortunate that appeals were decided too late to compose the differences. But it was a poor answer to a landlord

Discrepant decisions on doubtful points.

† Alai Khan r. Faghirath Tewari, I C. W. N., 310.

who found evidence rejected by one officer which had been accepted by another or to a tenant who was not allowed to raise the presumption of fixity under section 50 in one Court, when it had been successfully raised by his neighbour in another. The determination of a fair rent is so largely a matter of discretion that such differences are to be expected, when the trying officers are independent of control. The Settlement Officer, whose general knowledge of the district and command of statistical information might have been useful in this connection, has no *locus standi* to interfere, and he was cautioned by the Director of Land Records to abstain altogether from giving advice in the conduct or decision of cases to the lower Courts, who were nominally under his control. Moreover in view of the prominent part which the Bar took in the decision of these cases, the advice was certainly wise.

There can be no doubt from a comparison of the results of similar proceedings under section 104 in the temporarily-settled area that the ultimate

Unsuitability of Civil Court procedure. cause of offence is the Civil Court procedure prescribed by the law for the proceedings under section 105. The principles upon which fair rents

are to be determined are the same in both cases; yet, while under section 104 technicalities are brushed aside and rents are settled by reference to broad and common standards based on the law, under section 105 technicalities are supreme, the issues are narrowed by the strictness of proof required and reference to a common standard is made impossible. There can be no doubt that if the cases had been tried under the procedure of section 104, the assessment of *bond fide* excess area would have been easier and the admitted rise in prices would have been employed as an auxiliary to the prevailing rate to raise low rents, while on the other hand a knowledge of the comparative prosperity of different villages and of the prevailing rates would have led to the refusal of enhancement on any ground in the case of rents which were above them, while the wind would have been tempered to the shorn lamb so as to make disastrous enhancements, such as those of Joār Chhāgaldi and Bara Manikā, impossible.

Cases under section 106.

456. In the area in which a settlement of land revenue is not being made, "a suit may be instituted before a Revenue Officer by presenting a plaint on stamped paper for the decision of any dispute regarding any entry which a revenue officer has made in, or omission which the said officer has made from, the record; whether such dispute be between landlord and tenant, or between landlords of the same or neighbouring estates, or between tenant and tenant, or as to whether the relationship of landlord and tenant exists, or as to whether land held rent-free is properly so held, or as to any other matter; and the revenue officer shall hear and decide the dispute."

The cases are to be tried [section 107 (1)] by Civil Court procedure and an appeal (section 109 A) lies to a Special Judge appointed by the Local Government, while power is also taken (section 108) to revise decisions against which no appeal has been made.

Decisions have the force and effect of a decree of the Civil Court [section 107 (1)] and are incorporated in the record-of-rights [section 107 (2)], while there is a bar (section 109) to the ordinary jurisdiction of the Civil Court in respect of them.

Until the Amendment Act of 1908, a suit under section 106 was the only means of correcting an admitted error, which explains the very large number of cases of this character in thanas of the early blocks.

457. Section 106 provides apparently an opportunity not only for contesting an entry in the record-of-rights, but also for contesting it on the question of title, the record finally published being based only on existing facts and existing possession. On the other hand, the only relief obtainable is the correction of an entry in the record-of-rights; for possession and other consequential relief, recourse must be had to the ordinary civil courts. For this

Litigants prefer regular civil suits.

reason the majority of litigants appear to prefer the direct method of a title suit in the civil courts.

458. The total number of cases filed was 11,767 with the following distribution and result :—

Statistical summary.

THANA	Total cases.	NUMBER OF CASES.						
		With- drawn.	Dismissed—		Of admit- ted error.	Decided <i>ex parte</i>	Decided on compromise or subse- quent admis- sion.	Decided on the merits.
			For non- appear- ance.	On techni- cal grounds				
Barisāl	1,408	173	118	153	416	256	181	111
Bākarganj	1,346	186	63	82	240	346	180	244
Nalohi i	492	66	8	32	125	106	69	86
Bauphāl	963	119	30	78	305	235	118	78
Galāchipā	493	45	8	44	314	23	24	85
Patnākhālī	1,149	175	31	146	286	236	81	194
Gaurnādi	999	185	151	74	130	226	188	45
Mehendiganj	222	25	15	41	40	38	10	53
Bholā	57	3	6	...	2	2	4	40
Barhānuddin	247	49	21	21	33	98	13	12
Jhalakāti	988	144	105	111	114	212	116	186
Swarupkāti	920	217	369	31	50	146	62	45
Pirozpur	957	238	266	16	30	262	102	42
Bhāndāriā	669	270	187	6	10	142	40	14
Matbāriā	633	59	159	30	41	199	42	103
Āmtali	224	67	25	10	67	34	15	6
Total ...	11,767	2,021	1,567	875	2,203	2,562	1,245	1,294

It will be seen that the majority of cases were filed in the first thanas taken up. It is probable that the unavoidable delays which occurred in taking up the cases of the early thanas operated to reduce the number of cases filed in the later thanas.

459 Dealing first with the suits which perished at their birth, it will be observed that they amount to 4,463 or 38 per cent. Many cases were withdrawn, which often occurred where the subject-matter was similar to that of another test case which had already been decided against the plaintiff. Other withdrawals can be accounted for by compromises out of Court, by lack of means and other causes; but with every deduction a large number of withdrawals must still be laid at the door of defective complaints.

prevalence of defects in complaints. The dismissals for non-appearance and for all the dismissals on technical grounds. In fact, as in cases under section 105, complaints were filed in haste and often without accurate examination of the entry in the record-of-rights which they sought to correct. Many of the flaws were fatal to the case under the Civil Procedure Code and in others the amendment of the complaint was too comprehensive to permit of the case going on. The Bengal Tenancy Act allows only three months in which to file suits. The certificate of final publication was signed on the same day for compact areas of considerable size both for the convenience of recovery operations and of the public, who thus learned automatically the date of final publication; but this system naturally involved great pressure on the pleaders engaged to file suits, which chiefly accounts for the large number of cases both under section 105 and section 106 which failed on technical grounds. Thus the Court of Wards (Syedpur Estate) was unable to proceed with 153 cases of the same nature apparently on this account. There appears to be no reasonable objection to an extension of the period of limitation for filing suits. Indeed without some extension it appears certain that many complaints will always be imperfectly drawn up and the suits on that ground fail.

460 The large majority of the other cases come under the head of title and include such various matters as the relationship of landlord and tenant, the allotment of lands to tenants, tenures or estates, the proportionate shares of co-sharers and the boundaries between field and field or tenancy and tenancy. Most of these cases were of a very petty nature, even when contested, as big title suits were usually reserved for the civil courts.

The next largest class is that concerning rent. Here also the cases were generally very petty; but great care was taken that no alteration in rent should be made *ex-parte* or by admission or compromise without strict proof of the plaintiff's claim in *ex-parte* cases and without satisfaction that the compromise was in fact fair as directed by sections 109B and 147 A of the Amending Act. The cases of admitted error in the matter of rents were very numerous in Galāchipā and also in Bāuphal and Patuākhāli. This was chiefly because the end was witnessed of those Alipur cases which had caused so much disturbance.

Cases concerning status were so few that they may be neglected.

461. In all cases of *ex-parte* decrees every effort had been made to obtain the attendance of the defendant. Summons was issued to him by registered post as well as in the manner prescribed by law and decrees were not given until the revenue officer was satisfied that the defendant was aware of the case. A large proportion of undefended cases were merely corrections of formal errors. The plaintiff's case was examined strictly before decree was passed.

462. The following statement summarises the results of the various cases. As the cases were rarely important, no useful purpose would be served by a further analysis:—

STATEMENT OF CASES IN WHICH AN ORDER WAS MADE OR DECREE PASSED UNDER SECTION 106.																
	Relation-ship of landlord and tenant.		Title.		STATUS.				RENT.							
					Landlord vs. Tenant.		Tenant vs. Landlord.		Tenures.				Holdings.			
									Landlord vs. Tenant.		Tenant vs. Landlord.		Landlord vs. Tenant.		Tenant vs. Landlord.	
	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.	Allowed.	Disallowed.
Decided <i>ex-parte</i>	66	...	1,760	...	43	...	7	278	...	114	...	238	...	58	...	2,502
Decided on compromise or subsequent admission.	23	...	834	...	55	...	6	112	...	31	...	160	...	24	...	1,215
Decided on the merits.	18	32	548	275	4	2	1	112	30	40	4	107	46	32	13	892
Total	...	107	32	3,142	275	102	2	14	532	30	185	4	503	46	124	4,699

It is worthy of mention that most of the contested cases were decided by Munsiffs who had received a training in settlement.

463. Only a few of the contested cases merit notice. Kumar Narendra Mitra successfully challenged the fixity of rent of his tenure-holders in Sonākhāli and Hālā, two Sundarban estates, but was unsuccessful in establishing a claim that the transfer of a tenure was not valid without his recognition, although in the case of holdings a similar claim was decided in his favour. In Bāmnā the tenure-holders failed to obtain a correction in their recorded rents in some hotly-contested cases in which the trying officer held that their attempt was based upon impudent forgeries. In two villages of Swarupkāti, the Biswases of Jalabāri attempted to impeach the rents recorded as payable by their tenants. The decisions chiefly went against them on the ground that the rent which they claimed was illegal; and appeals failed. One of the

trying officers remarked in connection with these cases: "there was ample evidence to show that the kabuliyats of the tenants had been obtained by an extensive system of compulsion." Many similar claims by these landlords were withdrawn. In one case the trying officer pronounced a "kāimi karsha" to be not a tenure, but the holding of a raiyat at a fixed rent.

464. Apart from applications for review, the results of which have been included in the foregoing statement, there were very few appeals and most of these were unsuccessful. The figures up to September 1910 are:—

Total number of appeals filed.	NUMBER OF APPEALS IN WHICH THE REVENUE COURT'S DECISION WAS.			Retrial ordered.
	Uphe d.	Modified.	Reversed.	
485	250	107	51	77

There have been in the same period only 4 second appeals to the High Court, but none concerned matters of importance.

465. Some interesting cases were disposed of by the Special Judge. The syndicate landlords of Kharuria claimed the Saldaha river in its entirety as part of Bākarganj on the ground that they had a fishery right therein. Part of the river which lies in Faridpur had been excluded as belonging to that district. The appeal failed, as nobody had been named as defendant. In a batch of cases from Matbāriā, the Special Judge held at the instance of the landlord Kumar Narendra Mitra that land which had been taken by the District Board without formal acquisition but with the landlords' consent was still part of the holdings within which it fell and was liable for rent.

Another group of cases concerned communal rights in village roads and streams which had been recorded in a khatian of communal possession (*dakhal sāthāran*) under Government. The Legal Remembrancer advised that the villagers held an easement by custom in village "roads and streams" not amounting to a "right in gross" unless there was a public right of way open to all the world. In the event the cases were not defended by the Collector and the plots in question were ordered by the Court to be recorded under the proprietor.

Sixty-three of the successful appeals arose out of the Alipur disturbances. The Bāuphal zamindars had sued in a large number of cases for the correction of rents on the basis of their Civil Court decrees and the substitution of the names of their ām-mukhtārs in place of recorded tenants. The cases purported to be compromised at the time of institution, yet most of them were defended in the trial and the landlords immediately withdrew. In the remaining cases the revenue officer called upon the landlords to produce their collection papers so that he could satisfy himself under section 109B and section 147A that the compromises were fair. As the landlords were determined not to produce the papers, the cases were dismissed. On appeal the Special Judge accepted the compromises without insisting upon the production of the collection papers.

Cases under Section 108A.

466. Section 108A provides a means by which textual errors which have crept into the record-of-rights may be corrected within one year of final publication. As section 108A was introduced only in 1908, when the greater part of the record-of-rights had been finally published for more than a year, small advantage was taken of it.

There were indeed only 366 cases altogether, of which more than half were in thanas Jhālakāti and Gaurnadi. In the subdivision of Kirozpur, in which applications might have been made, it was practically ignored.

Of the cases 162 related to rent of which two were partly allowed and 23 were disallowed altogether.

Of the remaining cases in respect of other matters, correction was allowed in 151, partly allowed in three and disallowed in 50.

Correction was not allowed in cases where the applicant could not substantiate his claim. It was found that many attempts were made to obtain corrections in what was really controversial matter, thus in some rent cases kabuliyats had been taken at a higher rent than that recorded; but enquiry showed that they had been merely paper transactions, as the higher rent had never been paid. The cases were all disposed of by Deputy Collectors.

CHAPTER IV.

FINANCIAL RESULTS.

Expenditure.

467. The original estimate for the cost of the settlement operations in the district of Bākarganj, which was accepted by Her Majesty's Secretary of State for India, was Rs. 19,20,000, but this was afterwards increased to Rs. 20,00,000, being one rupee an acre on an estimated acreage of 2,000,000.* This was rather an aspiration than an estimate. Previous experience of settlement work in Eastern Bengal and in Bākarganj supports an estimate much higher, thus Chittagong district had cost Re. 1-4 and Roshanābād in Tippera Re. 1-10 per acre, while the more extensive of the petty operations in Bākarganj had all cost more than a rupee and several more than two rupees per acre. The expenditure on the private survey and record of Casperzābād, exclusive of any charge for supervision, was about one rupee an acre. It was hardly likely that any Government undertaking on the same elaborate scale could be carried through at a cheaper rate. Mr. Beatson-Bell, then Collector, in this view had estimated† the probable cost at the Roshanābād rate of Re. 1-10 per acre:—

"I estimate the cost of the whole operation to be roughly 10 annas per acre for survey and Re. 1-4 per acre for settlement, including case-work. The latter item will be partially self-supporting by means of court-fees. On the whole, I think we may take the net cost at 10 annas for survey and 16 annas for settlement. All the landed interests in this district are prosperous, and I do not see why Government should ultimately bear any share of the cost. My estimate is, I know, high. I have, however, adopted it after seeing the results in Tippera and in the other parts of this district."

In fact the net cost of the operation proved to be $7\frac{1}{2}$ annas for survey and 14 annas for settlement.

468. The gross cost of the operations was Rs. 28,33,121, divided between the Survey and Settlement Departments as follows:—

	Rs.
Survey	8,95,266
Settlement	19,38,094

The receipts, of which all except Rs. 71 were earned by the Settlement Department, amounted to Rs. 2,59,624, Rs. 2,13,671 representing court and process-fees. The nett cost of the operations amounted to Rs. 25,73,736 or at a rate of Rs. 866 per square mile on an area of 2,972 square miles.

469. It will be convenient to examine this expenditure in the light of the expenditure incurred in the operations in Darbhanga, a Bihar district of similar size. The gross expenditure in each square mile compares in the two districts as follows:—

	Bākarganj.	Darbhanga.
	Rs.	Rs.
Survey	391	236
Settlement	655	254
Total	956	491

* No. 2695 L.R., dated 10th August 1899, from the Secretary to the Government of Bengal to the Secretary to the Government of India.

† No. 1916, dated 19th August 1898, from the Collector of Pākarganj to the Commissioner of the Dacca Division, paragraph 6.

Analysis of expenditure and comparison with Darbhanga Survey.

The survey expenditure is analysed as follows:—

	Bākarganj.	Darbhanga.
	Rs.	Rs.
Traverse Survey ...	68	34
Cadastral Survey and khamapuri ...	191	202
Reproduction of village maps ...	31	Not made.
Control (share of the cost of the office of Director of Surveys).	17	Not shown separately.
Total ...	307	236

The Bākarganj figures include a small amount expended by the Settlement Department on cadastral survey after the making of cadastral survey was given up by the Survey Department. Control is shown separately, as it was disproportionately large in the case of Bākarganj, amounting in the total to Rs. 5,248. It is not clear whether it is included in the Darbhanga figures; but apparently not. The cost of traverse survey is high in Bākarganj owing to the necessity of line-cutting through the ubiquitous orchards. The cadastral and khamapuri rate is very satisfactory, when the difficulty of the country and of the work and the high rate of wages are borne in mind, but economy was obtained to some extent at the expense of supervision. Village maps were not printed and distributed to the villagers in Darbhanga.

470. The settlement expenditure is analysed as follows:—

	Bākarganj.	Darbhanga.
	Rs.	Rs.
Khamapuri ...	64	13
Attestation ...	108	51
Decision of cases under section 103 A ...	16	21
Office work and preparation of the final record.	136	45
Decision of cases under sections 105, 106 and 108.	27	33
Supervision and headquarters ...	108	49
Recovery of costs ...	32	10
† Contingencies ...	77	31
Revision of land revenue ...	38	Not done.
Control (share of the cost of the office of the Director of Land Records).	17	Not shown.
Total ...	623	254

More than half the cost of khamapuri in Bākarganj was due to the preparation of tenure-trees, while the inability of the amin to cope with the complexity of land tenure made it necessary to increase the amount of supervision in khamapuri. The high cost of attestation was undoubtedly due to subinfeudation, which greatly impeded the progress of the officers, making attestation a much slower business than in Bihar. The heavy cost of supervision was due partly to the prolongation of the work by revision of land revenue, which was not undertaken in Darbhanga, but chiefly to the fact that the Bākarganj operations were not combined with operations in any other district so that the whole cost of the supervising officers and their staff fell upon Bākarganj. The heaviest items of expenditure as compared with Darbhanga were the preparation of the final record and contingencies. In both cases the preparation of a separate khat for every tenure-holder was the main cause of excess. Thus in contingencies is included the very large item of Rs. 1,17,947, a book-debit in payment of forms supplied by Government presses, whereas in Darbhanga the charge was only Rs. 23,535. Boat-hire for the conveyance of records was also very expensive, while the rent paid for office accommodation was in the total a formidable item. The preparation of consolidated tenure-trees and

* Excludes cost of preparing copies for sale.

† Excludes realisation by sales of materials.

of statistics and the experiment in printing the record increased the cost of office-work in the preparation of the final record. There can however be no question that the chief reasons for the heavy incidence of cost in Bākarganj were the extent of subinfeudation, which involved a large amount of clerical labour and the maintenance of a large ministerial staff to cope with it, and the high rate of wages prevailing in Bākarganj for both clerical and menial labour. Enquiries showed that clerks doing the same work expected 50 per cent more pay in Bākarganj than in Darbhanga and menials could not be obtained for less than 75 per cent. higher wages. Of the total expenditure contingencies absorbed the same proportion in the two districts, but whereas 46 per cent. was paid to officers and 40 per cent. to clerks and menials in Darbhanga, 86 per cent. was paid to officers and 50 per cent. to clerks and menials in Bākarganj. The actual figures of pay were:—

	Darbhanga.	Bākarganj	Excess per cent.
	Rs.	Rs.	
Officers ...	3,13,000	5,04,000	61
Clerks and menials ...	3,45,000	9,30,000	170

The realisation by court and process fees-consisted of Rs. 18,986 for objections under sections 103 A, Rs. 101,975 for cases under sections 105, 106 and 108 A, Rs. 28,659 in payment of certificates issued for realisation of costs from the public and Rs. 64,051 for preparing copies for sale, which left a considerable profit as the cost of making the copies was only Rs. 26,296. The decision of the cases under sections 105, 106 and 108 A, cost Rs. 79,808 so that the court and process-fees levied on account of them were more than sufficient to meet the expenditure. The decision of objections under section 103 A on the other hand cost Rs. 46,739 and involved a heavy deficit. The subject-matter of objections was rarely the same so that a separate trial of each case was made necessary, often developing into a miniature civil suit. The cost of deciding each objection in Bākarganj was Re. 1-10 as compared with 14½ annas in Darbhanga. Allowing for the process-fees collected in the realisation of certificates, the net expenditure on recovering the cost of the settlement operations from the public amounted to Rs. 66,000 and to a charge of 4 per cent. on the total amount collected as compared with 3-3 per cent. in Darbhanga. Economy could certainly have been effected by the employment of a cheaper agency, but at the very considerable risk of scandal in its behaviour. The proportionate cost of the office of the Director of Land Records debited to Bākarganj was Rs. 51,139, making with the share of the office of the Director of Surveys a total of over a lakh of rupees, which was certainly very considerable.

Apportionment.

471. It had been originally proposed by the Local Government‡ that one quarter of the entire cost of the operations should, as in Bihar, be borne by the Government of India. The Government of India however demurred and proposed to the Secretary of State that the State contribution should be fixed at one-eighth on the ground that “there is here no question of undertaking a cadastral survey for the protection of poor and oppressed raiyats,

Share of the cost borne by the State.

nor is there the same doubt as to their ability to contribute substantially to the expense of the survey.” The Secretary of State did not consider that “the circumstances of Bākarganj where the work will be exceptionally costly are such as to justify any reduction in the proportion to be borne by the Government in the total expenditure” and he ordered that the public treasury should bear not less than one-fourth of the whole cost of these operations.

472. The remaining three-fourths was not in Bākarganj wholly recoverable from landlords and tenants, as the law provides that there shall be no

‡ No. 287, dated 21st January 1899, from the Secretary to the Government of Bengal to the Secretary to the Government of India.

recovery of cost in an area under revision of land revenue. This area amounted in Bākarganj to 373,325 acres, but it was not possible to keep separate accounts in respect of it as it was so scattered. On the basis of area, the proportional cost would be :—

	Area under revision of land revenue. Rs.	Area not under revision of land revenue. Rs.
Operations common to both ...	4,99,624	20,45,766
Revision of land revenue ...	1,13,562	...
Case-work under sections 105 and 106 ...	...	79,808
Recovery of costs ...	...	94,600
Total ...	6,13,186	22,20,174

and the distribution of the sum between the State and the landlords and tenants in the area not under revision of land revenue would be :—

	Rs.
Total cost ...	22,20,174
Deduct—Court and process-fees and miscellaneous receipts	2,59,624
	19,60,550
Deduct—State share of one-quarter	4,90,138
This leaves ...	14,70,412

as the sum to be recovered from landlords and tenants. There can be no question that the expense of preparing the record was considerably less in the area under revision of land revenue than in the permanently-settled part of the district. There were previous surveys and previous records in that area, fewer tenancies, less subinfeudation, no disputes, while the survey itself was much easier than in the alluvial tracts. As separate accounts were not kept, it was only possible roughly to determine the economy; but it cannot have been less than one quarter. It was therefore decided to recover sixteen lakhs from the landlords and tenants in the area not under revision of land revenue. The total demand which was effected by the application of apportionment orders framed with this object amounted to Rs. 16,42,305. No demand was made upon Government in its capacity of proprietor in Government estates which were not under revision of land revenue. They covered 150 square miles, of which 100 square miles were forest, and a private proprietor would have paid approximately Rs. 15,000 in respect of them.

473. The principles of apportionment in Bākarganj involved a change from the system hitherto adopted in Bihar. Extracts from the letter* which proposed them will most conveniently explain the system of apportionment and its justification.

“As regard the system to be adopted in distributing and recovering the cost, I take it that the principles to be borne in mind are as follows :—

- (i) That the system should be suited to the local peculiarities of Bākarganj.
- (ii) That the system should be as simple as possible.
- (iii) That the system should be as equitable as possible.

There are only two practical policies—recovery on a basis of area and recovery on a basis of rent. All the schemes which can be devised are variations of one or other of these two plans. For the district of Bākarganj I strongly recommend recovery on a basis of rent.”

“We may now compare the two systems in the light of the three guiding principles, which I have formulated :—

(I) As regards suitability to local conditions, it can be seen at a glance that whereas the area system levies a fixed sum (whatever be the subinfeudation), the rent system makes the demand vary in proportion with the amount of subinfeudation. As it is subinfeudation which has made the total cost of the district so high, it is eminently suitable that the land in which subinfeudation has been greatest should pay the greatest cost.

* No. 150, dated 24th August 1901, from the Settlement Officers to the Director of Land Records.

(II) As regards simplicity of calculation, there is absolutely no comparison between the two systems. In ordinary cases the tenure-tree (of a village) is so complicated that any attempt to take a fixed sum and distribute it on any logical principle among the different grades as the landlord's share of each acre of land would necessitate such intricate calculations as to make the operation altogether prohibitive.

(III) As regards the equity of the two systems I have already pointed out that the area system would be unfair in Bākarganj inasmuch as it makes the land where the work was easy and cheap pay for the land in which the work was complicated and expensive. Apart from the question of subinfeudation it seems to me unfair that a raiyat with 10 acres of barren char for which he pays with difficulty a rent of Rs. 10 should be called upon to contribute twice as much as a prosperous raiyat with 5 acres of orchard, sugarcane and *pāṭ* garden of which the rental is probably Rs. 40 or Rs. 50. Not only is the latter man in a much better position to pay costs than the former but it may be taken as a general rule that the more highly cultivated the land, the more expensive the survey and settlement. By assessing the raiyat upon his rent, we are therefore distributing the burden not only according to ability to pay but also according to expenditure incurred. The area system may be suited to a homogeneous district but is eminently unsuited to Bākarganj. The rent system has also a great advantage in that it is the system upon which the raiyat is accustomed to pay his rent.

"I have come to the conclusion that if we levy one anna in the rupee on the annual rent paid by each cash-paying raiyat in the district and $2\frac{1}{2}$ annas in the rupee on the annual revenue or rental paid by each proprietor and tenure-holder in the district we shall probably raise the money required. It is of course too early to say with certainty that we shall be able to maintain those rates up to the end of the operation. If, however, any variations are made I strongly recommend that they should be made in respect of the proprietors and tenure-holders and not in respect of the raiyats. If a moderate and uniform rate of one anna in the rupee for all raiyats in the district be at once announced together with a tentative rate of $2\frac{1}{2}$ annas in the rupee for proprietors and tenure-holders, the general public will have a clear idea how they stand and will appreciate the fact that we are taking them into our confidence."

In publishing an apportionment order based upon these principles, Government* limited their application to the villages then ready for final publication and called for a report upon their results before permitting their extension to other villages.

First rates of apportionment.

474. The principles of this apportionment order, which bears the date 6th October 1904, were briefly as follows:—

Raiyats shall pay at the rate of one anna in the rupee upon their rents.

Proprietors and tenure-holders shall pay at the rate of $2\frac{1}{2}$ annas in the rupee upon their revenue or rent.

Holders paying rent in kind or no rent at all shall pay at the rate of 4 annas per acre.

Under-raiyats shall be exempted from payment.

For convenience of collection no assessment was to be carried into pies and proprietors and tenure-holders were to pay in multiples of 4 annas.

475. A report † on the working of these rules was in due course submitted.

Rates subsequently revised.

Experience showed that the rates did not bring in as much as was anticipated, while it began to appear that the income from stamps had been overestimated and the general cost of the operations somewhat underestimated. It was necessary therefore to provide for an increase and at the same time for a reserve by means of which future miscalculations might be repaired more easily than by a wholesale increase of rates. To obtain the increase it was now proposed to take 3 annas instead of $2\frac{1}{2}$ annas in the rupee from tenure-holders and to obtain the reserve it was proposed to postpone the assessment upon proprietors until the conclusion of the operations, when a sufficient percentage of their profits, which could then be calculated, might be taken to cover such deficit as existed. Under the first apportionment order the assessment of proprietors was very unequal. In the old estates the revenue was high and the profit small, so that a charge of $15\frac{1}{2}$ per cent on the revenue was severe, while in the south of the district it was very light. Thus the estate of Ailā Phuljhuri bears a revenue of Rs. 378 and has a rent roll of more than one lakh. An assessment

* No. 2610 T.—R. dated 6th October 1904, from the Secretary to the Government of Bengal to the Secretary to the Board of Revenue.

† No. 664, dated 6th December 1905, from the Settlement Officer to the Director of Land Records.

of Rs. 60 on such an estate as provided by the old rules was ridiculous. A minimum charge of 4 annas in all cases was also proposed. After considerable discussion these proposals were accepted* and a revised apportionment order issued which remained in force until the end of the operations.

It only remained now to calculate the rate to be applied to the profits of the proprietors which would be sufficient to meet such portion of the costs as remained for assessment, when the assessment of all other classes had been completed.

This was done in March 1908, when the figures were ready. It was then seen that the amount to be recovered would be not less than Rs. 16,00,000 and the amount already assessed on raiyats and tenure holders Rs. 14,00,000 in round figures, which left the sum of Rs. 2,00,000 to be met by those proprietors of revenue-paying and revenue-free estates who had not been assessed under the old rules. It had previously been decided that to reassess those proprietors who had been assessed under the old rules would be inexpedient, as the great majority had already paid their assessment under those rules. The profits of the remainder totalled Rs. 13,00,000 upon which a rate of $2\frac{1}{2}$ annas in the rupee would produce the amount of two lakhs still required. Sanction to this rate was therefore given by the Director of Land Records in Barisal on 13th March 1908 and was communicated by him to the Board of Revenue.

476. The rates of apportionment which applied to the greater part of the district were therefore as follows:—

Final rates of apportionment.	Raiyats at one anna in the rupee upon their rents.
	Tenure-holders at three annas in the rupee upon their rents.
	Proprietors at $2\frac{1}{2}$ annas in the rupee upon their profits.
	Tenants holding rent-free or paying produce rents at four annas per acre on their lands.
	Under-raiyats to be exempted.

477. In the light of experience there can be no doubt that the assessment upon tenure-holders was very unequal. Many of the older tenure-holders made great profits and paid low rents, but as many, with recent leases made small profits and paid high rents. Thus while some escaped with a pepper-corn

assessment, others lost a year's income. The Unequal assessment upon tenure-holders. assessment was no doubt fair enough, in the main, but there was a considerable proportion of tenure-holders who were very hard hit. Holders of *mirās* *ijārās* and similar assignments fared worst. It is not easy to see how such inequalities could have been avoided. Certainly in all alternative schemes of assessment which were feasible they would have been much greater. An assessment on profits, as in the case of proprietors, would have been much more equitable, but profits could not be calculated until the statistical registers had been completed and this would have postponed recovery for several years and perhaps made it ultimately impossible.

Recovery.

478. The total sum for recovery from landlords and tenants in Bākarganj under these various apportionment orders was Rs. 15,42,505 and the actual recovery of this considerable sum pursued rather a chequered career. Recovery operations began in December 1904. It may be premised that money is plentiful in Bākarganj between the months of January and April when the winter rice harvest is garnered. In May tenants and landlords usually have spent their surplus, and have little left beyond what is sufficient to carry them to the next harvest. The autumn crop is poor in quantity and retained almost entirely for home consumption. Only in Bhāndāriā, Pirozpur

Chequered progress of recovery operations.

* S. G., E. B. A., to S. C. B., No. 3398 C., dated 29th March 1906; D. L. R. to S. B. R., No. 5 J T.—S., dated 26th November 1906; C. S., E. B. A., to S. B. R., No. 268 I., dated 6th January 1907.

and the island of Sāhābāzpur is the betelnut crop in July of sufficient value to make money again plentiful.

Recovery in the season of 1904-05 proceeded merrily. The raiyats paid in cheerfully and only some of the tenure-holders hung back. There was however not a very large amount to collect, as the record-of-right of only a small area had been finally published.

The operations were conducted by a kanungo with a staff of tahsildars, who camped at a convenient spot and calling the people to him by notice sat at the receipt of custom. As each man paid the amount assessed, he was presented with the final copy of his *khewat* and *khatiyān* and a vandyked copy of the village map, if he had any land in his immediate possession in the village. At the time of distribution the recovery officer signed the certificate upon each *parchā* which ran as follows:—

“True extract from a record-of-rights which was finally published under section 103A(2) of the Bengal Tenancy Act 1885, on

A. B. (Revenue Officer).”

479. Arrangements had been made for a very extensive collection in the cold weather of 1905-06; but there had been heavy floods in the south of the district, while in the northern thanas persistent cloudy weather at Christmas

had brought in a swarm of the *pāmari* insect which swept smiling fields bare. As the extent of the damage was not accurately known, three

Postponement of recovery in 1906 owing to scarcity. camps were sent out in November, but reports soon began to come in that collections were poor. In January they died away altogether. Officers were detailed to make special enquiries and in February* the Settlement Officer reported that it was inadvisable to persevere with the collections, which could not be successful without an unpopular use of coercive process.

The Local Government was loth to postpone the general recovery of money, which belonged to the Imperial Government and suggested† discrimination between the poor and the well-to-do; but when this was found impracticable, they accorded on the 18th March their sanction to the general suspension of recovery for the year. As it turned out, this was a wise decision. As the year wore on, scarcity became very acute and was strongly felt in the areas in which recovery would have taken place. To have proceeded with the collections would therefore have been only to incur odium.

480. The intermediate crops of 1906 were good, and the winter rice crop of 1906-07 excellent and collection began in earnest in 1906-07. An agitation, however, at once arose with the object of stopping recovery for still another year. Such a course would have been fatal in its effects in a district like Bākarganj as everybody knew that the rice crop had been exceptional. The agitation was purely factitious and entirely confined to the *bhadralok* tenure-

holders. The Director of Land Records agreed with the Settlement Officer in strongly opposing any further suspension. This view was also taken

Agitation for postponement in 1907. by Government, when a question was raised in the Legislative Council on 6th February 1907 as to whether it was right to go on with the recovery of costs in Bākarganj when the price of rice ruled high. A promise was however given in Council by the Lieutenant-Governor that cases of real hardship would be met with leniency. With their rice selling at high prices the raiyats paid with willingness and easy instalments were granted to tenure-holders in all cases in which real hardship would have been caused by a payment of the whole. In this way instalments to the amount of Rs. 89,528 were granted in the year. Rupees 5,08,248 were actually collected in the year out of a total demand of Rs. 6,20,000 ripe for collection. Of 294,430 payments 293,975 were voluntary and only one in every 570 by compulsion, results which fully justified the determination of Government to go on with recovery.

* No. 972, dated 13th February 1906, from the Settlement Officer to the Director of Land Records.

† Telegram from the Chief Secretary, Eastern Bengal and Assam, to Settlement Officer, dated 9th March 1905.

In the following year over six lakhs of rupees were collected.

481. There remained for collection at the end of the season Rs. 2,01,000; but it was scattered in small amounts in every village in the district, so that its collection became a difficult problem. This arrear was attributable to three causes. In every village at least one-quarter and probably one-half of the

Explanation of arrears which were difficult to collect.

tenure-holders were non-resident, while there are tracts in Bākarganj where even some of the cultivators who have generally in the district a propensity to travelling lived at a distance. Such cases were always difficult to collect. Notices often did not find the assesses and were troublesome to repeat. A second reason was that there is no village in Bākarganj in any real sense of the word and whereas in Bihar all the inhabitants of the congested village sites came together on receipt of one notice to the camp to pay in, in Bākarganj the independent husbandman living apart in his ample homestead would have scorned to make such arrangements with his fellows. Each expected a separate notice and waited until he got it. With the most careful work it was difficult to avoid one or two omissions. The third cause was the insignificance of many demands. If the raiyat lived at any distance from the camp, he would not be troubled to come in to pay the 4 annas or 8 annas due on his tenancy. This may seem extraordinary but the excuse was repeatedly given and the demand cheerfully paid when Mahomet in the shape of the certificate officer came to the mountain. It was unfortunate also that the officers employed on recovery in their ambition to collect much stayed not to sweep clean. In this respect very clear orders were sometimes honoured in the breach.

In addition a large number of the *bhadralok* tenure-holders in Nalchhiti, Barisāl, Jhālākāti and Gaurnadi thanas are notoriously bad paymasters and they fastened eagerly on a rumour that certificates would never be issued. The arrears were particularly troublesome to collect in A Block, where the record was seven years old and where many mutations and transfers had taken place in the meantime.

482. As it was out of the question to collect such scattered demands by means of a regular camp, there was no alternative but to issue certificates for the amounts in arrear, which was accordingly done in the early part of 1909. To let loose a horde of process-serving peons upon the villages to execute these certificates was so likely to cause scandals that their execution was entrusted to kanungos brought from the Faridpur Settlement in the recess, although this was not a very favourable time for recovery. These measures were on the whole successful, although they were no doubt tedious and expensive. The cost was however covered by the process-fees. The final figures for recovery work were as follows :—

CLASS.				Amount assessed.	Amount paid.	Percentage of assessment.
				Rs.	Rs.	
Proprietors	...	...	...	2,11,459	2,10,934	99 $\frac{3}{4}$
Tenure-holders	...	...	...	10,89,873	10,75,609	98
Raiyats	...	..	...	3,41,173	3,38,045	99
Total				16,42,505	16,24,588	99

483. Of this enormous sum Rs. 14,29,321 was collected voluntarily and in respect of Rs. 1,51,568 more no coercive steps were taken to obtain realisation, although certificates were issued.

Results in recovery of costs.

The following statement comprises the results of certificates issued :—

				Number.	Amount.
					Rs.
Total number of certificates issued	...	...	...	43,985	2,07,271
Withdrawn on account of error	...	...	..	2,769	1,866
Realised without coercive process	..	...	...	26,295	1,51,568
Realised after ditto	...	...	...	4,532	37,786
Withdrawn on account of the poverty of the assessee	...	...	...	41	97
Struck off as irrecoverable	...	...	...	10,084	10,616
Handed over to the Collector for realisation	...	...	...	264	7,204

At the close of the settlement, 10,348 demands were unpaid, of which 10,084 were for Rs. 10 and less and 264 for more than Rs. 10. In most of these cases realisation was likely to be very difficult. Nearly ten years had passed since the record was prepared and it was not easy to find the assessee, while in many cases there was a dispute as to the ownership of the tenancy. All cases of Rs. 10 and less in value were on 28th November 1910 struck off by the Director of Land Records as not worth the cost of collection and the remainder were handed over to the Collector of the district for realisation. Of this sum Rs. 6,528 has been subsequently realised.

484. It was noteworthy that at the time of recovery the raiyats showed no very great eagerness to get their *khatians*. Probably they were satisfied with the parcha which they had already received at attestation and saw no particular value in a second. They were however delighted to get the village map, which they had not expected. They were everywhere surprised at the moderation of the assessment and considered the map and *khatian* well worth the money. The feelings of tenure-holders and proprietors were more mixed. The assessment on them was generally heavier and they got less in return. Unless they had land which they had not sublet in any village, they did not get a free copy of the map and they were disappointed to find that they got no copy of their tenants' *khatians* or in the alternative that their own khewats gave them no list of the co-sharers or of the plots in these *khatians*. As has been remarked previously, the cost would have been prohibitive.

It is pleasant to be able to record that the conduct of the recovery staff was excellent. There were few complaints and no scandals in an operation where temptation must have been very great.

PART IV.

CONCLUSION.

Village Officials and Estate Management.

435. There are no village officials in Bākarganj, except the chaukidar, who has been created by legislation. The self-contained village community with its revenue machinery seems never to have existed in Bākarganj, where it was no doubt replaced by the system of management through middlemen. There are no patwaris now, and it seems doubtful if there ever were any. *Chākrān* tenancies exist in most villages for the barber, the washerman and the

ferryman, where there are important streams running through or on the boundary; but they obtain their land (usually little more than the homestead) free of rent in return for gratuitous service to the landlord and are paid by their fellow-villagers.

486. The system of management followed by Bākarganj landlords in their estates is very lax and cannot compare with the system adopted in the larger or better managed estates in Bihar and Western Bengal. There has in fact been extremely little improvement in this respect during the last half-century. Very few landlords had ever made a private survey of their estates and possess no *chithā* (measurement papers); their estate books were therefore full of omissions and discrepancies. Even after the district survey it appears that many have not taken the trouble to enter in their estate books any reference to the survey areas of tenancies, the rent recorded as payable, or even the serial number of the *khebat* or *khatian* in the record-of-rights. Small landlords and most of the middlemen content themselves with keeping a *prajāwārī hisāb* (tenants' roll) with a formal description of the tenancy and a note of the demand and of arrears and their realisation. This is prepared every year usually on detached papers. Sometimes receipt of rent is entered in a simple *āmdāni* (daily account of realisation), but as often in the miscellaneous cash account of the landlord. A counterfoil receipt book is kept for production in the civil courts. In the larger estates the *prajāwārī hisāb* is also kept on detached papers, occasionally on a printed form, one page being reserved for each tenant. The main document prepared in the larger estates is the annual *jamāwāsīl bāki*, which contains in continuous form the details of the land, rent, arrears and

Unprogressive methods in vogue for the management of estates.

realisation in respect of every tenant. In some estates the form is printed, but it is apparently never bound into a book. This document is usually very cumbersome. Thus in the Sāistābād estate it contains 59 columns and in the Tagore estate 269 columns, in many of which no entry is made at all. Apart from details of demand and arrears in respect of rent and cesses, the document usually contains a classification of the lands in the holding and an abstract of the assessment on each class, together with details of amalgamation, division, accretion and diluvion, which often refer to events of ancient history. The preparation of this document every year serves no useful purpose. It could be replaced by an estate book, containing one page for every tenancy, in which the very few changes occurring in each year could be entered at its close together with the state of the tenants' account. A simple reference in the *prajāwārī hisāb* to the page in this book upon which the tenancy would be found would meet all the needs which are now served by the annual preparation of this elaborate document. Apart from the *āmdāni* (or account of daily realisation) large estates keep a separate account in which the realisation of *abwāb* is entered. This is never produced in civil or revenue courts. Although there can be no doubt that the *jamāwāsīl bāki* of past years is retained, a summons

to produce it is usually evaded by the plea that it has been lost. As has been elsewhere indicated, rent receipts are only given when full realisation of the rent is made, and in many estates not even then, nor to all tenants as a matter of routine. Books of counterfoil receipts are however always prepared for production as necessary in the civil courts. The question of rent receipts is a vital matter in Bākarganj. The existing system permits wholesale evasion of the legal obligation. It is probable that more practical good would result in a change in the form of the rent receipt than in employing or amending the penal provisions of the Act. It may be suggested that in place of detached receipts a rent book should be prescribed, in which all realisations from the tenant should be entered as they are made; and the book then be returned to the tenant and remain in his custody, the landlord keeping a duplicate. The rent book which might serve for 20 or 50 years would make evasion of the obligation to give a receipt more obvious and more difficult. Two of the most sinister features of tenancy in Bakarganj are the frequency with which decrees for arrears of rent are obtained, when no arrears in fact exist, and the extent to which landlords in order to obtain such decrees are willing to repudiate rent receipts which have been given by their agents. The rent book would be a most salutary check in both respects.

487. The estates of the larger landlords are divided for the purposes of management into local circles with a cutcherry at a convenient centre and a collecting staff consisting of *nāibs* or *gomāsthās*, *tahsildārs* and muharrirs. The wages of this staff is very small, but they usually make a comfortable living out of their share of the *abwāb*. They do not go to the villages to make collection or for any other purpose, as the tenants are expected to attend the cutcherry. Attached to the cutcherry is a staff of peons, who are sometimes foreigners,

ers, such as Sikhs and up-country men, but usually local men. They are sent out to serve notices and to bring in tenants, and they are chiefly paid by a small share in the *abwāb* and by the exaction of process-fees. In the villages there are *mridhās*, usually leading tenants, who are expected to see that the tenants attend regularly to pay their rent and *abwāb*, that the orders of the cutcherry are obeyed, and that information of all domestic events, quarrels and offences in the village is punctually given to the cutcherry. They hold no additional land *ex-officio* and obtain no preferential reduction in their rent, but they are paid nominal wages and get a recognised and considerable share in *abwāb*. Some estates, but not all, retain a special survey staff for the measurement of alluvion, diluvion etc. A feature of management which is common to all estates is the unsuitability of the kists to the agricultural conditions of the country. In many estates there are 11 kists in the year, and in most four or more, whereas the collecting staff only attempt collection twice and very often are absent from the cutcherries at the period of all the other kists. Nevertheless interest is always added on the amount unpaid from the date of each nominal kist until the date of realisation.

Maintenance of the Record.

483. It is understood that the Bengal Government has already decided in favour of periodical revision of the record-of-rights in place of annual maintenance. There can be little doubt that periodical revision, when made at intervals of 25 years or less, will be sufficient to prevent the record losing its value to landlords and tenants and to the Courts. Periodical revision, however, will be made by a temporary staff specially engaged so that in the intervals between revisions the relations between landlords and tenants will be left to adjust themselves. Where those relations in general conform to the principles of the Bengal Tenancy Act, little harm need be expected from this policy of *laissez-faire*, but in Bakarganj the case is far otherwise. There can be no reasonable doubt that unless a revenue agency is permanently maintained in the district with duties,

Maintenance preferable to revision in the peculiar circumstances of Bakarganj.

which will automatically provide it with complete information on the affairs of all classes connected with the land, no improvement in the security of the tenants as a body will be obtained. Such an agency can only be properly organised in connection with the maintenance

of the record-of-rights and must be vested with responsibility to be effective. The lesson of settlement experience in Eastern Bengal has been very emphatically that, even in details of routine, work on the record-of-rights offers limitless opportunities of annoyance and wrong-doing, and that if advantage of them is not to be taken, well-paid and well-educated officials of superior status must be employed to the complete exclusion of subordinate officials. In any case it may be doubted whether men of the patwari class would be able to handle a complicated document like the pakarganj record-of-rights without creating serious confusion. An effective scheme of maintenance by a permanent staff of superior status would cost no excessive sum, certainly less than one half of the existing road and public-works cess or of the existing chaukidari tax and incidentally not one-tenth part of the sum which tenants pay annually to their landlords in the shape of *abwab*. The direct return for this expenditure would be a record-of-rights embodying all the latest changes and the indirect return would be the reign of law, the diminution of extortion and a considerable contribution to the maintenance of order in the district. To a settlement officer these returns seem worth the expenditure, especially when the cost of the alternative system, periodical revision, cannot be estimated in the case of each revision at less than the cost of ten years of maintenance. They appeared worth the expenditure to the Government also in Eastern Bengal and Assam,* which "shared the conviction expressed by the Collector that the maintenance of the record will be more instrumental in the pacification and better administration of the district than any other reform."

4-9. In the six years which have passed since the record-of-rights has been completed, it has become clear that there is a strong sentiment in favour of maintenance amongst local landlords and tenants, although the landlords have already exhibited opposition to any scheme which would be based upon the employment of patwaris. This sentiment is somewhat remarkable in view of the attitude of hostility, which the landlords and middlemen very generally adopted during the preparation of the record-of-rights. The cultivator never displayed any opposition to the proceedings, but his slow mind is only now beginning to appreciate the advantages which the village record and the village map have secured for him. The amount which he was called upon to pay to the State for these advantages was insignificant in comparison with the demand which he had been led by intriguers to expect. It will be impossible now to kindle any opposition amongst the cultivators to any scheme which Government may adopt for maintenance of the record-of-rights. Landlords, on the other hand, always looked upon the operations with an unfavourable eye, chiefly because they objected to interference in their dealings with their tenants, but also because they were put to great expense. It is true that many of the smaller landlords and middlemen were under great obligation to the record-of-rights, which provided them with estate papers, which they formerly did not possess, and enabled them to realise rent from many tenants who had formerly refused it with impunity: but recognition of these advantages could not prevail against the insidious counsel of zamindari agents, whose influence and perquisites it was likely to destroy without compensation, and of the local bar, who feared for their practice. Time has convinced all landlords of the usefulness of the record to them and thereby left their hostility without motive force, while the pleaders now recognise that the record-of-rights is a fact which the courts cannot ignore and have begun to respect it in consequence. It has had less effect on civil litigation than they feared, as although title suits are much diminished, suits for arrears of rent which have been made easier by the existence of the record-of-rights have much increased. In 1908 it was the fashion in the local bar and amongst some of the landlords to speak with contempt of the record-of-rights; in 1915 this fashion has entirely disappeared and each year has seen some increase in general respect which the record-of-rights has been able to win for itself.

* Resolution No. 1469 F., dated 12th June 1908 on the Survey and Settlement Reports (E. B. & A.) for 1906-07, paragraph 6.

Amendments in the Law.

490. I have already indicated in various parts of this report in what respects the Bengal Tenancy Act has proved itself unsuitable to the conditions of Bakarganj. It may be convenient to summarise these points. Undoubtedly the most important is the classification of tenants (sec. 5). The intention of the Act is clearly to confer the privileges and protection of the Act upon the actual cultivator of the soil, but the definitions permit on the one hand the status of the raiyat to be assumed by a pure middleman, while on the other hand they do not contemplate the acquisition by the cultivator of a superior status by contract or the possibility of a right of permanent occupation adhering to an under-raiyat or a non-occupancy raiyat. Thus the legal position of many cultivators in Bakarganj is inferior to their real position in local custom. The definitions in the Act are the result of a compromise between the principles of status and contract, the tenure-holder

Amendments in the Bengal Tenancy Act suggested by Bakarganj experience.

being conceived as a rent collector and the raiyat as a cultivator, but both subject to the terms of the original contract and to the accidents of subsequent inheritance. To be suitable to conditions in Bakarganj, the cultivator should be the "raiyat", unless he has obtained by contract or by local custom the superior rights of a "tenure-holder", but the "raiyat" should become a "tenure-holder" as soon as he has ceased to be a cultivator. Other matters concerning raiyats in which an amendment of the Act appears to be worth consideration are in the matter of transferability of holdings and of *kists* (sec. 53) and in sections 178 (provisos i and ii) and 180 regarding the acquisition of occupancy rights in *char* and wastelands, particularly when *selāmi* has been given. Commutation (sec. 40) is a difficult subject of which the last has not been heard in Bengal. The present provisions of the law, however worked, must appear harsh and unjust, wherever the value of the produce is much greater than the prevailing rate of cash rents in the village; yet it is inconsistent with the whole policy of the Tenancy Act that rates greatly exceeding the prevailing rate should be introduced into a village, so much so that in the proposals of the Bihar Rent Law Commission and in the original draft of the Tenancy Act, commutation was proposed at the prevailing rate without consideration of the value of the produce. On the other hand, any commutation under the existing law must effect some reduction in the landlord's income and commutation at the prevailing rate would effect an enormous reduction, all the more severe that the landlord is in these cases usually a small man with a small income. Commutation is voluntarily granted by the landlord to a tenant who is prepared to pay *selāmi*; and it is perhaps by some such addition that the provisions of the law might be made more equitable. The sections regarding *abwab* (secs. 74, 75) and *kists* (sec. 53) fail of their purpose in Bakarganj, and it would seem that some power at least should be reserved to the State to interfere. The provisions regarding receipts for rent are a dead-letter in a great part of the district, the mischief perhaps being caused by section 57 which the landlords interpret as permitting the refusal of any receipt except for full payment and as justifying a charge. In the case of tenure-holders the law lacks provision for merger or surrender of a tenure and would be more useful in Bakarganj, if it supplied machinery for partition; the sections regarding joint landlords and joint management might also receive reconsideration. A small point is that section 195 might expressly provide for the application of the penal provisions of Regulation VII of 1822 to tenure-holders, who were formerly *sadr malguzars* within the meaning of that Regulation. In Chapter X the sections which would seem in need of amendment are 104 and 105 concerning the settlement of fair and equitable rents. In both sections the revenue officer "shall have regard to the rules laid down in this Act for increasing and reducing rents", whereas the determination of a fair rent is entirely a matter of discretion, which cannot work freely when bound in a Procrustean bed of rules. In Bengal rent is neither economic nor customary, so that

standards rather than rules are required for its revision. In the provision of standards the Settlement Manual is very deficient. It would seem desirable as a lesson learnt from experience in Bākarganj to assimilate the procedure for settlement of rents under section 105 with the procedure of section 104, although section 104 itself might be improved in the direction of rapidity.

491. Apart from the Tenancy Act, the land laws in Bengal are in a state of considerable chaos; this could not fail to come somewhat prominently into view during settlement operations in a district which contains so large an area under temporary settlement. There are at least 70 regulations still in force, many of which contain much that is now obsolete in language which is now unintelligible.

Consolidation of other land laws. Some of the more important, such for example as the Land Registration Act, Sale Laws and Partition Act, were passed at a time when routine provisions of procedure were embodied in the Act and not in rules under the Act and are therefore unnecessarily hampering and cumbersome. There can be no question that the consolidation of the whole body of this law apart from the Tenancy Act into a single Land and Revenue Regulation would afford great relief in its administration to revenue and judicial authorities alike.

Miscellaneous.

492. It may be of convenience to the district officials to summarise the information which the settlement operations collected and the form in which it is available to the enquirer.

Summary of papers lodged in Collectorate after the settlement operations.

Maps.

Vandyke reproductions of the village map on the scale of 16 inches to the mile are available for purchase at the Collectorate.

No 4 inch reductions were made and there is therefore no congregated atlas which can be used for comparison with the 4-inch plans of the Revenue Survey.

Thana jurisdiction maps on the scale of 1 inch = 1 mile were prepared, which show the boundaries, names and revenue survey numbers of every mauza (village) in the thana together with other topographical and administrative detail of which the purpose is to make the map useful to a traveller.

The boundaries of estates have not been shown in any maps, whether on the 16-inch or a smaller scale.

Thana and subdivisional maps on a scale of $\frac{1}{2}$ inch to the mile were prepared for the convenience of travellers. They show all markets and the more important villages.

Thana mujhmitis on tracing cloth showing trijunction marks were also prepared to facilitate the maintenance of the marks.

Record-of-rights.

The record lodged in the Collectorate is prepared in the following form. There is a separate serial number for the khewats and for the khatians in every village. As far as possible, the estates are kept distinct, the tenancies of each estate being exhausted before the tenancies of the next estate are begun. Within each estate, the khewats of all proprietors precede the khewats of tenure-holders, in both cases giving details of all subordinate tenancies. The plots in the immediate possession of proprietors and tenure-holders are entered separately in khatians (Appendix C. 5) which are placed after all the khewats (C. 4) in the village have been exhausted and are to be read as continuations of the khewat of each proprietor or tenure-holder concerned. The printed khewats (C. 9) however contain plot columns and in their case this khatian is not required. After the khatians for the reserved lands of proprietors and tenure-holders are placed the khatians of raiyats (C. 6 and 10) and after them the khatians of under-raiyats (C. 6 and 10). The information contained in each of these documents is shown in Appendix C.

A copy of any handwritten khewat which is obtained from the Collectorate will be a copy of both (C. 4 and C. 5).

In the case of each proprietor or tenure-holder, the khewat shows plot by plot only the land which is in his own occupation: the land which he has sublet is shown in a total of the area of each undertenancy. The khewat contains the name and number of every undertenancy of which the rent is payable to him, but the name of the principal tenant only amongst co-sharers. It contains no information concerning any tenancy

subordinate to the tenancies of these tenants. Each khewat or khatian contains an account of the land of one village only, in however many villages the tenancy may have an interest.

Other documents connected with the record-of-rights.

(1) The tenure-tree of every village shows every tenure, grade by grade, of every estate in the village with the number of the khewat of the proprietor or tenure-holder, the name and designation of the tenure and the name of its possessor or of the principal amongst several co-sharers.

(2) The standard tenure-tree shows every tenure in all estates in the district except such as have land in only one village, in which case the village tenure-tree is sufficient. There is a separate serial number for the tenures in each estate, the name and designation of the estate or tenure and the name of one possessor being supplied. The numbering in the standard tenure-tree is identical with the numbering in the district register of tenures, to which it is a pictorial index, whereas the numbering in the village tenure-tree is the same as in the record-of-rights, to the estates and tenures in which it is a pictorial index.

(3) The plot index of each village shows the number of khewat and khatian in which the plot will be found together with the share and area which appertains to each tenancy if the plot belongs to two or more tenancies. It also shows the plot number of the field on the north. In thanas Barisal, Bakarganj, Nalchhiti, and Bauphal it shows also the name of the principal possessor in each tenancy.

(4) The *khassā* has been destroyed and no record remains of the kind of land of each plot (*i.e.*, homestead, arable, fallow, etc.) or of the crops and valuable trees therein.

Statistics.

(1) A jurisdiction list was prepared of each thana in the district in 3 parts: Part I prepared in serial order of the Revenue Survey number containing the name in Bengali and English of all mouzas and of all separate hamlets within them, their area (land and water), their number in the Boundary Commissioner's list, and their volume and page in the books of the Revenue Survey, Part II being an alphabetical list of all mouzas and hamlets, and Part III showing the population by religion of each mauza at the census of 1901.

It should be mentioned that in Bakarganj new jurisdiction numbers were not given to the mauzas in each thana, the old revenue survey numbers which were in one serial for the Sāhābāzpur island and in another serial for the rest of the district and were convenient being retained.

(2) A calendar of Bakarganj estates in two volumes has been printed as a companion to this report. It is in 4 parts: Part IV in volume 2 shows all the parganas and estates having land in each thana with their total area and the amount of land in each village and conversely all the villages with the amount of land in each estate: Parts I to III are contained in volume 1, Part I showing all revenue-paying estates in order of their tauzi number and Part II all revenue-free properties in order of their number in Collectorate Register B, Part II. In both parts area, revenue and rental value are detailed, while there is a reference to all important documents connected with the estate, which are to be found in the Collectorate Record-room. Part III is a list of the parganas in the district and the estates which appertain to them. The Appendices explain the fiscal history of each estate and contain other valuable information, which is otherwise only obtainable by a prolonged search in the archives of the Collectorate.

(4) The Estates Register No. I (mauzawar) contains a separate page for each village and contains a summary list of all the estates with an interest in the village, showing the amount of land appertaining thereto, the name and tauzi number of the estate and the name of the principal possessor.

(5) The Estates Register No. II is a converse Register to No. I and contains a separate page for each estate, showing name, pargana, name of a principal possessor, the total area and the area in each village with the name and Revenue Survey number of the village.

(6) The Estates Register No. III shows in respect of each estate the area, revenue and rate per acre, the assets of the proprietors and rate per acre, the rental value and rate per acre, details of the occupation of the land in the estate by different classes of tenants, number of assignments of tenures of middlemen and of cultivating tenure-holders. It aims at collecting in a convenient form all the statistical information available concerning each estate.

(7) A mauza Note has been prepared in the form given in the Survey and Settlement Manual (Appendix N) and contains statistical information concerning land, trees, tenants and rental, and notes concerning (a) physical condition, (b) embankments and artificial watercourses, (c) agriculture, (d) history, (e) rents, (f) kists, (g) cesses and abwabs, (h) rights of tenants (i) markets and communications, (k) jalkar and bankar, (l) customs regarding trees, (m) chakrandars, (n) prevailing measures and weighments, (o) general, population, crime, etc. These notes are sometimes of considerable value, but are often scanty and sometimes not supplied at all.

(8) Village statistics are a summary in a convenient form of all statistical information concerning the village, its land, crops, trees and tenancies.

(9) The milan khasra shows the classification of land in each mauza in every thana in a summary form and the areas under each class, *e.g.*, cultivated, fallow, homestead, rivers, etc.

(10) The crop statement shows the area under each crop in every village in the thana in a summary form.

(11) The register of valuable trees summarises the number of arecanut, cocoanut, date palm, palmyra trees and bamboo clumps in every village of the thana.

(12) The agricultural stock list summarizes the number of bulls and bullocks, cows, calves, buffaloes, sheep, goats, horses, ploughs, carts and boats in every village of the thana.

(13) The register of revenue and rent has been prepared in the form (Appendix N, No 7) given in the Survey and Settlement Manual and shows in a summary form for each village in the thana the number of proprietors, tenure-holders, raiyats and under-raiyats, paying rent in money, in kind or not paying rent and the rent payable by such as are rent-paying.

(14) A classification of land by fiscal arrangement has been prepared in the form (Appendix N, No. 5) given in the Survey and Settlement Manual and shows in a summary form for each village in the thana the amount of land in the possession of the public and public departments and the amount of land included in revenue-paying and revenue-free estates and in each case the extent to which it is occupied and cultivated by the proprietors themselves, by tenure-holders and by raiyats of different classes and by rent-free tenants.

In statistics 9 to 14, the information is prepared in tabular form for the thana, one line being allotted to the figures of each village. A summary of all these statistics in respect of each village is collected in statistics 7 and 8.

(15) A district register of tenures has been prepared of the tenures in each estate, which summarises all the statistical information available concerning each tenure. The numbering is the same as in the standard tenure-tree. It shows in respect of each tenure besides its name and designation and its rent and the name of the principal possessor, the name and Revenue Survey number of every mauza in which the tenure contains land, the total area in each mauza, the area reserved, the area sublet on cash and produce rent or rent-free to different classes of tenants and the area in the possession of the public. In the case of the proprietors themselves, it shows in addition joint lands and the arrangements made in respect of management.

(16) The Dafadari Register which has been prepared for each thana in the form prescribed (Appendix T) by the Survey and Settlement Manual, enumerates and describes all the stone prisms and other trijunction marks embedded during the survey of the district.*

493. It now remains for me to acknowledge the services of the officers who were employed during the operations. Settlement work in Bakarganj offered few attractions to any of the staff. In the matter of climate the cold weather is short and not very cold, the dry season is not very dry, and the frequent storms of March and April, although they cool the air, are not entirely grateful to officers who find their tents blown down, their clothes drenched and their possessions ruined or whose boat sinks or is likely to sink on the big rivers. The work often dragged on into the rains, when it was hot as well as damp, while even in April it often rained for days together. There are few things more dismal and depressing than rainy weeks in boat or tent in the swamps of Bākarganj. For field work and inspection riding was impossible and all journeys had to be made on foot by paths over heavy plough-land which was always mud and often mire, while the only alternative to irritating detours by

which a hand-bridge might be gained was to wade the soupy streams. Settlement work itself can never be uninteresting, and in Bākarganj the maze of tenures was often as absorbing as a Chinese puzzle; but perpetual false claims and endless disputes in which chicanery tried to take advantage of weakness and simplicity were very wearisome, while the struggle which had always to be waged to prevent the operations being used as a weapon for extortion was both tiring and dispiriting. The impression made by these conditions upon a district officer moved him to write to the Commissioner as follows:—

"I wonder if Government at all realise what the life of the Settlement Officers is like in this district just now (May 1905). Small tents on damp ground, no punkhas, no ice and not even decent trees to camp under. Work all day in mud and water and probably

* The marks were made over with extracts from the mujhmili map to each dafadar in 1910 after verification when it was discovered that 20 per cent. had been diluviated or removed.

a soaking from a shower. How can they wonder that men chuck the work and, if not, break down under it. It is all very well in Bihar, where you have nice *gachis* to camp in and good riding country to knock about in and a nice part of the country and interesting people to learn about. But here it is a case of working on foot with every man's hand against them and at the best as a reward a reputation as an authority on Eastern Bengal and therefore penal servitude in it for life."

These remarks were meant for European officers, but they were as applicable to Indian officials. It is therefore the more pleasant to be able to bear testimony to the fine spirit which animated the Indian officers throughout the operations. There was no grumbling or complaint, infinite patience, great energy, lively interest often amounting to enthusiasm. Their labours did not go unrewarded by the people, who still cherish kindly recollections of them, or by Government, which has promoted almost all of the Sub-Deputy Collectors and kanungos who worked for any time in Bākarganj. If it is necessary to make a selection amongst those who worked longest in the district, the names of Babus Pyari Mohan Bose, Jnanendra Nath Roy, Joges Chandra Datta, Radha Krishna Goswami, Sital Chandra Chatterji, Hieranya Kumar Das Gupta, Anath Bandhu Chatterjea and of Maulvis Abdul Momin and Aatur Rahman should be mentioned. Of these special mention should be made of Pyari Mohan Bose, subsequently honoured with the title of Rai Bahadur, whose great knowledge of the district and the work, ripe wisdom and mature judgment were always invaluable; of Maulvi Abdul Momin, subsequently honoured with the title of Khan Bahadur, who did excellent service in many ways, and of Babu Hara Kissors Biswas, whose knowledge of the Collectorate proved repeatedly of the greatest use and whose work in the revision of land revenue was exceptionally thorough. It is pleasant for me personally to add the names of Babus Janaki Bhusan Singh, Bhupati Mohan Bose and Jamini Mohan Chakravarti for their assistance to me in preparing this report. I think that all officers who worked in the Bākarganj Settlement would agree that all their efforts must have been unprofitable and vain without the inspiration and support of Mr. N. D. Beatson Bell, who was Settlement Officer from the beginning until 1905 and was the very warp and woof of the work. Years spent as district officer before the operations began had given him an unrivalled knowledge of the district and its people and had made his name a household word in its remotest hamlets. The rules under which the operations were conducted were his rules, the methods of work his methods, the mechanism of the record-of-rights his creation; but to the officers who worked under him and with him these were mere trappings to the spirit which he infused into the operations, making them something of a crusade. These things should be set down for the sake of truth, in as much as it was his energy and enthusiasm which alone bound all ranks of the staff willingly to unremitting toil, it was his cheerfulness which alone made dismal discomfort tolerable to them and it was his transparent sympathy and singleness of purpose which alone conciliated the opposition of landlords and tenants in a district notorious for turbulence to operations which could not but be harassing and burdensome to them. It was indeed no accident that the first outburst of open hostility to the operations followed his departure from the district.

Finally I may be permitted to refer to the services rendered by the officers in charge of the Survey Department, by Colonel Crichton, C.I.E., who gave ungrudgingly of his best in counsel and assistance, and by Major Hirst, who displayed his usual energy with his usual success. Many officers held the post of Director of Land Records during the long course of the operations, all of whom were equally generous with advice, instruction and support. Many officers also held the post of Collector of Bākarganj, with all of whom our relations were always cordial and to many of whom we are indebted for very valuable assistance.

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<i>Do.</i> Patuākhālī	27, 52, 172, 270, 443, 448.
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<i>Do.</i> Amtali	18, 20, 27, 30, 34, 65, 71, 75, 104, 176, 177, 179, 181, 192, 316, 328, 333, 301, 443.
<i>Do.</i> Bākarganj	18, 30, 37, 39, 64, 88, 109, 111, 115, 119, 176, 181, 186, 196, 290, 382.
<i>Do.</i> Barahānaddin	18, 20, 22, 30, 34, 39, 63, 73, 103, 178, 177, 179, 181, 443, 445.

Thana Barisāl	22, 33, 37, 39, 43, 54, 61, 66, 68, 82, 90, 104, 111, 115, 163, 176, 179, 192, 290, 353, 451.
<i>Do.</i> Bāuphal	18, 22, 30, 53, 61, 64, 76, 176, 183, 192, 193, 201, 203, 207, 316, 332, 38, 335, 352, 459.
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<i>Do.</i> Bhoia	13, 60, 62-4, 62, 85, 107, 118, 177, 181, 447.
<i>Do.</i> Gāschipā	10, 18, 20, 29, 80, 53, 71, 75, 104, 163, 179-181, 176, 201, 203, 352, 443, 448, 463.
<i>Do.</i> Gaurnadi	10, 18, 19, 30, 37, 42, 43, 50, 53, 54, 61, 65, 84, 87, 93, 92, 120, 164, 163, 172, 176, 184, 133, 180, 193, 203, 304, 307, 322, 326, 353, 358, 400, 453, 447, 448, 463, 461.
<i>Do.</i> Jhālakātī	22, 30, 33, 35, 37, 42, 43, 53, 65, 67, 73, 81, 90, 91, 106, 110, 104, 111, 113, 115, 140, 154, 173, 176, 179, 181, 192, 200, 304, 310, 325, 447, 448, 460, 461.
<i>Do.</i> Matbhāriā	20, 27, 30, 34, 37, 65, 92, 163, 176, 186, 194, 224, 259, 333, 361, 399, 443, 448, 465.
<i>Do.</i> Mehendiganj	10, 14, 22, 35, 38, 57, 24, 64, 88, 97, 99, 100, 101, 104, 105, 109, 163, 176, 177, 179, 180, 181, 185, 191, 192, 196, 302, 326, 332, 351, 352, 354, 461.
<i>Do.</i> Nālehiti	22, 30, 37, 51, 99, 104, 103, 111, 115, 118, 176, 181, 186, 196, 290, 307, 322, 352, 461.
<i>Do.</i> Patuākhālī	18, 30, 34, 61, 64, 71, 104, 176, 181, 192, 203, 361, 362, 443, 448, 460.
<i>Do.</i> Pirozpur	18, 30, 34, 35, 37, 50, 52, 67, 74, 68, 98, 99, 101, 104-5, 113, 116, 176, 179, 190, 192, 256, 316, 325, 333, 352, 353, 443, 478.
<i>Do.</i> Swārupkātī	16, 29, 24, 30, 37, 38, 44, 50, 53, 65, 67, 72, 74, 78, 83, 90, 96, 98, 191, 104, 105, 111, 113, 119, 140, 154, 175, 181, 190, 192, 196, 286, 300, 304, 307, 310, 316, 393, 447, 448, 463.
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APPENDICES.



सत्यमेव जयते

APPENDIX 5.

Table of Tenures found in Bakarganj at the time of making the record-of-rights.

I.—RENT-PAYING.

DESIGNATION.	Number found.	DESIGNATION.	Number found.	DESIGNATION.	Number found.
DEPENDENT TALUKS AND DERIVATIVE.		PATTANI AND DERIVATIVE.		HAOLAS AND DERIVATIVES—concl'd.	
Taluk	4,838	Pattani	143	Osat Baiyati Haolā	4
Basat Taluk	44	Ijāra Pattani	6	Osat Sāmīlāt Haolā	1
Bārjama Taluk	4	Mirās Pattani	4	Osat Taluk Osat Haolā	1
Bārjama Khārijā Taluk	1	Muddat Pattani	1	Nim Osat Haolā	625
Hebāi Taluk	2	adar Pattani	1	Tim Haolā	12
Jimbā Taluk	153	Sāmīlāt Pattani	1	Nim Tim Haolā	1
Jarā arlūā Taluk	2	Dar Pattani	26		
Kāyemi Taluk	20	Osat Pattani	3	Total of the Haolā class	206,623
Kāyemi Makarāri Taluk	8				
Khanda Taluk	5	Total of the Pattani class	185	IJARAS AND DERIVATIVES.	
Khanda Khāridā Taluk	1			Ijāra	222
Khārijā Taluk (dependent)	2	HAOLAS AND DERIVATIVES.		Haolā Muddat Ijāra	1
Khārijā Jamā Taluk	6	Haolā	65,921	Isti Maurasi Ijāra	1
Khorpos Taluk	8	Bundaki Haolā	9	Jimbā Maurasi Sadar Ijāra	12
Mālguzār Taluk	2	Basat Haolā	184	Kāyemi Ijāra	40
Mirās Taluk	47	Basat Mirās Haolā	1	Maurasi Ijāra	4
Maurasi Mirās Taluk	2	Biswim Haolā	3	Mirās Muddat Ijāra	1
Maurasi Taluk	2	Ezāhāri Haolā	39	Muddat Ijāra	173
Muddat Taluk	1	Ezāhāri Basat Haolā	14	Muddat Kāyemi Ijāra	102
Nijāmal Taluk	1	Ezāhāri Mirās Haolā	10	Myādi Ijāra	1,443
Pattani Taluk	1,807	Entakarāri Haolā	1	Myādi Kāyem Ijāra	22
Pattani Mirās Taluk	9	Garmakarāri Haolā	4	Myādi Khat Ijāra	1
Mirās Pattani Taluk	88	Hebāyat Haolā	2	Myādi Taluk Ijāra	1
Kāyem Mirās Pattani Taluk	4	Iantuk Haolā	3	Pattani Ijāra	2
Mirās Kāyem Pattani Taluk	1	Jimbā Haolā	73	Pattani Kāyemi Ijāra	6
Maurasi Kāyem Pattani Taluk	1	Jimbā Taluk Haolā	1	Pattani Muddat Ijāra	3
Pattāi Taluk	187	Jot Haolā	1	Sadar Ijāra	5
Petāo Taluk	20	Kāyemi Haolā	65	Sadar Myādi Ijāra	1
Parimīt Taluk	60	Kāyem Mirās Haolā	13	Dar Ijāra	5
Sadar Mirās Taluk	2	Maurasi Haolā	29	Mirās Dar Ijāra	3
Sadar Pattani Taluk	11	Mirās Haolā	1,422	Myādi Dar Ijāra	12
Sāmīlāt Taluk	790	Muddat Haolā	2	Dar Mirās Dar Ijāra	1
Sāmīlāt Bārjama Taluk	3	Myādi Haolā	1	Nim Ijāra	3
Sāmīlāt Mirās Taluk	3	Pattani Haolā	171	Kāyem Osat Ijāra	3
Sāmīlāt Pattani Taluk	2	Pattani Basat Haolā	1	Kāyem Nim Osat Ijāra	6
Sāmīni Taluk	22	Pattani Mirās Haolā	3	Mirās Ijāra	27,829
Sebāyat Taluk	2	Pattani Taluk Pattani Haolā	1	Basat Mirās Ijāra	3
Tarāf Taluk	2	Rāyati Haolā	25	Darbastu Mirās Ijāra	1
Taksimī Taluk	104	Sadar Haolā	12	Haolā Mirās Ijāra	16
Osat Taluk	14,309	Sāmīlāt Haolā	44	Hebā Mirās Ijāra	1
Ezāhāri Osat Taluk	1	Tahut Haolā	3	Ijāra Mirās Ijāra	18
Kāhār Pattani Osat Taluk	1	Takemī Haolā	1	Kāyemi Mirās Ijāra	482
Hebāi Osat Taluk	6	Taluk Haolā	40	Kāyemi Maurasi Mirās Ijāra	3
Jimbā Osat Taluk	5	Utsarga Haolā	1	Kāyemi Makarāri Mirās Ijāra	1
Jot Jimbā Osat Taluk	2	Hāo & Pattani	5	Kāyemi Sadar Mirās Ijāra	159
Kāyem Osat Taluk	17	Haolā Chakrān	1	Kāyemi Sadar Pattani Mirās Ijāra	6
Mirās Osat Taluk	44	Haolā Basat Haolā	4		
Maurasi Osat Taluk	6	Dar Haolā	3		
Pattani Osat Taluk	67	Myādi Dar Haolā	30,066	Ki Chāri Ijāra	4
Sadar Osat Taluk	1	Nim Haolā	61	Maurasi Mirās Ijāra	23
Sāmīlāt Osat Taluk	28	Basat Nim Haolā	1	Muddat Mirās Ijāra	51
Tarāf Osat Taluk	2	Ezāhāri Nim Haolā	42	Muddat Kāyemi Mirās Ijāra	1
Dar Osat Taluk	1	Haolā Nim Haolā	4	Myādi Mirās Ijāra	3
Nim Osat Taluk	3,786	Hebā Nim Haolā	22	Myādi Sadar Mirās Ijāra	6
Basat Nim Osat Taluk	1	Jimbā Nim Haolā	34	Osat Taluk Osat Haolā Mirās Ijāra	1
Jimbā Nim Osat Taluk	3	Kāyemi Nim Haolā	3		
Kāyem Mirās Nim Osat Taluk	1	Kāyem Mirās Nim Haolā	13	Pattani Mirās Ijāra	187
Mirās Ni Osat Taluk	1	Kāyemi Sadar Nim Haolā	2	Pattani Kāyem Mirās Ijāra	1
Pattani Nim Osat Taluk	25	Ki Chāri Nim Haolā	2	Pattani Sadar Mirās Ijāra	1
Sadar Nim Osat Taluk	1	Maurasi Nim Haolā	1	Sadar Mirās Ijāra	3,278
Sikimī Nim Osat Taluk	3	Maurasi Makarāri Khārijā Nim Haolā	1	Sadar Kāyem Mirās Ijāra	1
Dar Pattani Nim Osat Taluk	1			Sāmīlāt Mirās Ijāra	30
Osat Nim Osat Taluk	2	Mirās Nim Haolā	211	Sarba Mancha Mirās Ijāra	3
Dar Mirās Taluk	7	Myādi Nim Haolā	1	Dar Mirās Ijāra	2,780
Dar Pattani Taluk	93	Pattani Nim Haolā	161	Dar Myādi Mirās Ijāra	4
Osat Dar Sadar Taluk	1	Rāyati Nim Haolā	9	Dar Pattani Mirās Ijāra	17
Nim Dar Pattani Taluk	8	Rasum Nim Haolā	1	Dar Pattani Kāyem Mirās Ijāra	10
Pattani Dar Pattani Taluk	2	Sāmīlāt Nim Haolā	1		
Nim Taluk	31	Sāmīlāt Muddat Nim Haolā	1	Dar Sadar Mirās Ijāra	10
Nim Kāyem Mirās Taluk	1	Dar Nim Haolā	26	Dar Sadar Kāyem Mirās Ijāra	5
Osat Nim Taluk	4	Osat Nim Haolā	32,278	Kāyem Sadar Dar Sadar Mirās Ijāra	9
Nim Petāo Taluk	4	Basat Osat Nim Haolā	3	Kāyemi Dar Pattani Mirās Ijāra	3
Total of the Taluk class	26,895	Khārijā Jamā Osat Nim Haolā	1	Kāyemi Sadar Dar Pattani Mirās Ijāra	23
		Osat Haolā Nim Haolā	5	Mirās Ijāra	
JIMBĀS AND DERIVATIVES.		Osat Rāyati Nim Haolā	25	Nim Dar Pattani Maurasi Mirās Ijāra	1
Jimbā	4,619	Pattani Osat Nim Haolā	1		
Kāyemi Jimbā	1	Rāyati Osat Nim Haolā	6	Jioikā ar Mirās Ijāra	9
Khārijā Jimbā	1	Sāmīlāt Osat Nim Haolā	3	Jimbā Dar Mirās Ijāra	2
Maurasi Jimbā	17	Dar Osat Nim Haolā	610	Kāyemi Dar Mirās Ijāra	24
Mirās Jimbā	5	Nim Osat Nim Haolā	14,333	Kāyemi Sadar Dar Mirās Ijāra	63
Muddat Jimbā	1	Osat Haolā	3	Sadar Dar Mirās Ijāra	23
Pattani Jimbā	3	Dar Osat Haolā	13	Shāyī Dar Mirās Ijāra	1
Sadar Jimbā	7	Haolā Osat Haolā	2	Osat Dar Mirās Ijāra	2
Sāmīlāt Jimbā	6	Kāyem Osat Haolā	2	Nim Dar Mirās Ijāra	14
Nim Jimbā	9	Osat Taluk Haolā	2	Dar Pattani Nim Mirās Ijāra	1
Osat Jimbā	1	Pattani Osat Haolā	81	Osat Mirās Ijāra	10
Osat Taluk Jimbā	8	Pattani Osat Mirās Haolā	13	Dar Muddat Ijāra	1
		Pattani Osat Taluk Haolā	2	Dar Myādi Ijāra	30
		Sadar Osat Haolā	18	Osat Dar Myādi Ijāra	6
		Taluk Osat Haolā	1		
Total of the Jimbā class	4,678			Total of the Ijāra Class	37,263

DESIGNATION.	Number found.	DESIGNATION.	Number found.	DESIGNATION.	Number found.
MĀLGUZĀR AND DERIVATIVES.		KARSHĀ AND DERIVATIVES—<i>concl'd.</i>		JOTES AND DERIVATIVES—<i>concl'd.</i>	
Mālguzār	3	Basat Mirās Karshā	12	Osat Nim Jot	1
Jimhā Mālguzār	3	Kāyem Mirās Karshā	8	Osat Dar Nim Jot	3
Kāyem Mālguzār	6	Kāyem Mirās Mālguzār Karshā	1	Total of the Jot class	15,140
Kāyem Mirās Mālguzār	3	Pattani Mirās Karshā	10		
Khārījā Mālguzār	8	Sāmlāt Mirās Karshā	3		
Mirās Mālguzār	1	Jar Kharidā Basat Karshā	1	MISCELLANEOUS.	
Muddat Mālguzār	812	Maurasi Karshā	31	Āmālī	2
Sadar Mālguzār	12	Mirās Muddat Karshā	1	Bandar Swatwa	4
Taraf Mālguzār	1	Muddat Karshā	49	Barjama	22
Th-kā Mālguzār	4	Stihī Karshā	13	S. dar Barjama	7
Thika Mālguzār	1	Stihī Karshā	7	Barjama Brahmatra	25
Da: Kāyem Mirās Mālguzār	5	Dar Kāyem Karshā	7	Barjama Jāgr	2
Nim ar Kāyem Mirās Mālguzār	1	Nim Kāyem Karshā	5	Barjama Brahmatra	43
Total of the Mālguzār Class	861	Osat Kāyem Karshā	36	Barjama Jāgr	2
		Nim Kāyem Osat Karshā	2	Bazāftī Brahmatra	2
		Dar Mirās Karshā	13	Bazāftī Brahmatra	2
		Osat Mirās Karshā	2	Bazāftī Birtti	1
		Total of the Karshā class	35,507	Bazāftī Chetāgi	2
				Bazāftī Dehatra	3
				Bazāftī Jāgr	27
				Bazāftī Rahit	2
				Chāndinā	159
				Kāyem Chāndinā	2
				Dar Chāndinā	14
				Chivasthāyī	1
				Dattar Saranjām	2
				Dāyem Bandabastha	3
				Dhākarāri	1
				Esāj	1
				Gar Makarāri	1
				Gāti	129
				Dar Mirās Gāti	2
				Karāri Stihit	19
				Kāyemā	24
				Kāyemā Fāzil	2
				Kāyem	5
				Kāyem Bāri	6
				Kāyem Makarāri	5
				Kāyem Maurasi	6
				Kāyem Bandabastha	2
				Nim Osat Kāyem	1
				Kharid	7
				Bandar Kharid	2
				Jahar Kharid	4
				Jar Kharid	6
				Khanda Kharid	6
				Pattani Kharid	1
				Khārījā	1
				Khānābāri	6
				Jimhā Khānābāri	1
				Jaidād	1
				Jimhā Jamā	2
				Kāyem Jamā	6
				Khārāt Jamā	1
				Mālguzār Jamā	1
				Maurasi	7
				Maurasi Makarāri	78
				Mirās Mossākāri	12
				Muddat	5
				Myādi	1
				Dar Myādi	1
				Nijāmal	10
				Pokta	7
				Rosnāi	1
				Sāmlāt	9
				Jimhā Swatwa	1
				Kharid Swatwa	1
				Khanda Swatwa	2
				Mālguzār Swatwa	4
				Tāpā	3
				Tahasil	1
				Tahasilānā	2
				Total of Miscellaneous	719
				GRAND TOTAL OF RENT-PAY- ING TENURES.	331,352

RENT-FREE.

DESIGNATION.	Number found.	DESIGNATION.	Number found.	DESIGNATION.	Number found.
BRĀHMATRAS.		ĀYMA.		NISHKAR.	
Brahmatra	18,527	Āymā	480	Nishkar	974
Bāzāftī Brahmatra	6	Abhāyā Āymā	2	Nishkar Basat	1
Barjama Brahmatra	4	Āymā Āymā	2	Basat Bāri	1
Basat Brahmatra	21	Basat Āymā	1	Behārā	1
Dakshinā Brahmatra	2	Bāstū Āymā	1	Dakshinā	4
Dattak Brahmatra	3	Birtti Āymā	1,084	Dānpatra	3
Jautuk Brahmatra	472	Brahmatra Jautuk Āymā	1	Hāolā	30
Jot Brahmatra	4	Chirasthāyī Āymā	2	Hebāl	21
Kāyem Jautuk Brahmatra	16	Dakshinā Āymā	2	Jibikā	1
Kāyem Jamā Brahmatra	1	Deb Āymā	1	Jimhā	3
Khārījā Brahmatra	8	Hāolā Āymā	1	Kānābāri	2
Khārījā Brahmatra	14	Jautuk Āymā	6	Karshā	1
Maurasi Brahmatra	3	Jibikā Āymā	1	Khānābāri	289
Mirās Brahmatra	1	Jimhā Āymā	1	Khanda Kharid	1
Nishkar Brahmatra	1	Kāl Āymā	1	Khanda Tāluk	2
Nishkar Brahmatra	1	Khārījā Jamā Āymā	2	Jahar Kharid	1
Tāluk Brahmatra	1	Mirās Mālguzār Āymā	2	Mahatran	2
Utsarga Brahmatra	163	Pujā	1	Nijāmal	5
Dar Brahmatra	2	Pujāri	4	Pādrīn	1
Dar Kharid Brahmatra	2	Sōār	2	Tāluk	2
Jimhā Brahmatra	3	Selāmi	1	Dhōpāl	1
Osat Brahmatra	5	Stihī	8	Imānat	3
Sadar Brahmatra	9	Stihī	5	Sariki	2
		Utsarga	8	Jesthatra	3
				Jot	4
				Khārījā Jamā	3
Total	19,369	Total	1,819		

DESIGNATION.	Number found.	DESIGNATION.	Number found.	DESIGNATION.	Number found.
NISHKAR— <i>conold.</i>		MISCELLANEOUS— <i>contd.</i>		MISCELLANEOUS— <i>conc 1.</i>	
Byabahr Nishkar...	6	Utsarga Dān...	1	Ayudh Khāṇḍ...	15
Bakshis Nishkar...	3	Dakṣya Chikitsāhi...	1	Asmā Debātā Khāṇḍ...	1
Total...	1,373	Debatra...	1,052	Huzuri Bandabasta Khāṇḍ...	2
MISCELLANEOUS.		Kālī Debātā...	1	Jantuk Khāṇḍ...	1
Akhṛāṣāt...	1	Munās Debātā...	1	Jibikā Khāṇḍ...	4
Asmā Brahmatra Barjama...	4	Govāhāṇ...	1	Khāṇḍā Lakṣh...	1
Bairjama...	1	Hāḍḍāṇ...	1	Khorpos...	1
Bhogatā...	388	Hebāṭ...	28	Khorpos Hāṇḍ...	1
Bogāt Bhogātā...	5	Mahā Hebāṭ...	1	Lākherāṭ Khorḍ...	69
Sadasya Bhogātā...	1	Hebāṭ Osat Tāluk...	2	Lākherāṭ...	3
Brata Bhikṣyā...	383	Hebāṭ Osat Tāluk...	1	Mahatān...	299
Chākran...	68	Hebāṭ Osat Tāluk...	1	Mahatān...	4
Chāṇḍāṇ...	3	Hebāṭ Osat Tāluk...	18	Tahāṣī Mahāṇāṇ...	1
Cherāṭ...	480	Hebāṭ Osat Tāluk...	1	Purohit...	4
Ayudh Cherāṭ...	1	Imānāt...	9	Pojikā...	5
Imām Cherāṭ...	2	Imānāt...	11	Rujinā...	6
Jimbā Cherāṭ...	7	Jāṅṭ...	287	Sanātāṭ...	1
Pattāṇ Cherāṭ...	1	Kāṣṭhī Jāṅṭ...	2	Sarbarāṇa...	3
Lākherāṭ Tail Cherāṭ...	2	Chākran Jāṅṭ...	3	Sibāṭ...	2
Maṣer...	1	Imām Jāṅṭ...	2	Stūr Bīrthi Hāḍ...	1
Dakṣhīṇ...	5	Pṛōṭ Jāṅṭ...	2	Tulsi...	1
Manās Dakṣhīṇ...	1	Jar Khāṇḍ...	2	Uṇājibikā...	8
Dān pātā...	1	Jantuk...	51	Utsarga...	6
Dān pātā...	5	Mahatān Jantuk...	1	Total...	3,420
		Jesthātā...	5	GRAND TOTAL OF RENT-FREE TENURES.	25,681
		Jibikā...	102		
		Jimbā Jibikā...	1		
		Khairāt...	28		
		Kṛāṇ...	1		

EXPLANATION OF REVENUE TERMS EMPLOYED.

[The language from which each term is derived is shown in brackets by the letters A=Arabic, B=Bengali, P=Persian, S=Sanskrit, U=Urdu.]

Abādāṭ (P.), for reclamation or cultivation: **abhyāṭ** (S.) dedicated to the goddess Abhyāṭ, another name for Durgā: **ākhrā** (B & U.) granted for a monastery (**ākhrā**): **ākhrāṭ** (A.) in lieu of expenses: **amāl** (A.), permission (to take a certain action): **asthāṭ** (S.) temporary, not permanent: **āyudh** (A. *indm*) granted for religious purposes: **bairjama** (S.) dedicated to a **bairjama** (religious devotee): **bakshis** (P.) gift: **banda** (P.) what is bound up: **bandabasta** (P.) settlement, arrangement: **bandak** (U.) relating to a mortgage: **bandar swatwa** (P. & S.) right to a market: **bārī** (B.) home, homestead: **bārjama** (P.) over and above the rental (rent-free): **basat** (B.) dwelling: **basta** (B.) homestead, for habitation: **bāṣṭhī** (P.) resumed: **bīrthi** (S.) present: **behāṭ** (P.) granted to a palki-bearer: **bisim** (A.) by the name of: **bhogatā** (S.) granted for enjoyment (rent-free): **bīrthi** (S.) allowance: **brahmatra** (S.) granted to a Brahmin: **bratabhikṣyā** (S.) granted as a present by a friend or relative to one taking the sacred thread: **chākran** (P.) for service: **chāṇḍāṇ** (V.) a place exposed to moonlight, hence grant of a site to a shopkeeper in a market: **cherāṭ** (P.) granted to defray expenses of lighting: **chikitsāṭ** (S.) granted for a charitable dispensary: **chirasthāṭ** (S.) lasting for ever, permanent: **chirasthāṭ** (A. & P.) land given for maintenance of records, &c. i.e., for an office: **daṇḍ** (P.) dowry, land given in lieu of dowry: **dakṣhīṇ** (S.) charity: **dānpātā** (S.) tenure created by deed of gift: **dar** (P.) under, within, hence subordinate: **darbasta** (P.) entire land within the boundary: **dātāṭ** (B.) charitable, created for purpose of a charity: **dātāṭ brahmatra** (S.) land given for the enjoyment of a Brahmin: **dāyemī** (A.) permanent, perpetual: **deb** (S.) given to an idol: **debatra** (P.) what is dedicated to an idol: **dhāṅkarāṭ** (B. or A.) for which paddy is promised: **dhopāṭ** (B.) land given in lieu of washerman's charges: **entakarāṭ** (A.) finally settled: **esāṭ** (A. & H.) land given in return for the supply of furniture: **ezāṭ** (A.) alleged, according to statement in the document: **fāzil** (A.) surplus, what remains over: **garmakarāṭ** (A.) what is not fixed i.e., at a variable rent or rate of rent: **gāṭ** (B.) lease, tenancy: **gosahārā** (P.) for pasturage: **hālādāṭ** (B.) given to a hālād or menial servant of the cutcherry: **hāḍḍāṇ** (P.) made over: **hebāṭ** (P.) gift: **hebāṭ** (P.) relating to a gift: **hebāṭ** (P. plural), gifts: **huzuri** (A.) a grant by the huzur or proprietor himself: **jārā** (A.) farming lease, temporary lease: **imām** (A.) high priest: **imāmāt** (A.) land given to a high priest: **imāmāt** (A.) deposit, pledged: **imām** (A.) gift: **imām** (A.) what is given as a reward: **isti** (P.) up to this: **jahar kharid** (P.) purchased with a jewel: **jāṭāṭ** (P.) property: **jāṅṭ** (P. lit. Turkish) seizure of land, hence free grant of land: **jama** (A.) rent or tenure: **jarkharid**, **jarkharidā** (P.) purchased with gold or money: **jantuk** (B.) dowry: **jesthātā** (S.) a grant on account of the eldest son: **jibikā** (S.) for livelihood: **jimbā** (A.) charge, trust: **jot** (B.) tenancy, holding: **kāhārāṭ** (B.) homestead given to a kāhār or palki-bearer: **kālī** (B.) dedicated to the goddess Kālī: **karāṭ** (A.) stipulated: **karṣā** (S.) what is given to a cultivator for cultivation only: **kātāṇāṇ fāzil** (U.) balance, remainder after a reduction of rent: **kāyem**, **kāyemī** (A.) perpetual, permanent (in Bākarganj exclusively of rent): **khairāt** (A.) lms: **khāṇḍ** (P.) dwelling-house: **khāṇḍāṭ** (P. & B.) attached to the homestead: **khāṇḍāṭ kharid** (B. & P.) specific portion purchased: **kharid**, **kharidā** (P.) purchase, purchased: **khāṇḍāṭ** (A.) separated: **khāṇḍāṭ** (P.) separated from the rent or tenure: **kharāṭ** (P.) dist-allowance: **kharpas** (P.) allowance for maintenance: **kol** (B.) dependent: **lākherāṭ** (A.) free of rent, lakh: **tail** (S.) granted for supply of oil, lakh: **tulsi** for supply of these seeds for purposes of worship: **māḍ** (P.) monthly: **mahatān** (S.) land given for the purpose of salvation: **māḍāṇ** (P.) land given in lieu of monthly allowance: **makarāṭ** (A.) fixed (of rent): **mālguzār**, **mālguzārī** (A. & P.) paying revenue: **maurās**, **maurāsī** (A.) hereditary: **maurās** (A.) land given by will: **mosakhāṭ** (P.) land given in return for supplying water: **mirās** (A.) what is inherited, heritage, hence hereditary or permanent: **miyādāṭ** (A.) temporary, for a period: **muddat** (A.) and in possession of a certain person, by the name of: **muddat** (A.) period, periodic, (but applied in Bākarganj) to permanent tenures: **musārakātā**, with allowance deducted: **nārāyan** (B.) dedicated to the Hindu god of that name: **nijāmal** (B. & A.) in one's own possession, used to describe the lands held in severalty in a property otherwise joint: **nim** (P.) half: **nishkar** (B.) rent-free: **osāt** (P.) intervening: **pādāṭ** (P.) given to a priest: **pāṭṭā** (B.) ripe, hence in proper form, without conditions: **parimit** (S.) measured: **pātāṭ** (B.) lease: **pātāṭ** (B.) relating to a lease: **pātāṭ** (B.) what is leased: **petāṭ** (B.) subordinate, dependent: **pokṭā** (P.) ripe, hence without limiting conditions or in proper form: **uraptā jāṭ** (B. & P.) secured as a jāṭ (as a result of a bargain): **pūjā** (B.) worship, for worship: **pūjārī** (B.) worshipper, priest: **pūjāṭ** (B.) given for worship: **purohit** (B.) priest: **rahit** (B.) cancelled or resumed: **rasum** (A.) customary: **rāyāṭ** (A.) belonging to a tenant: **roṇḍī** (P.) given for lighting: **ruzinā** (P.) given for maintenance: **sadar** (P.) uppermost, head, chief: **sadasya** (S.) given to a counsellor: **sāmīlāt** (P.) annexures: **sanātāṭ** (A. & P.) given by a **sanād** or formal grant: **saranjam** (P.) materials, articles, preparation: **sarbarāṇa** (S.) highest, chief: **sarbarāṇa** (P.) given for supplying necessary materials: **sariki** (A.) relating to a partner: **sebāṭ** (B.) worship, for worship: **selāmī** (A.) present, what is presented: **sibāṭ** (S.) dedicated to the idol Siva: **sikimī** (P. *sikim*) belly subordinate: **sokar** (A.) thanks giving (the Bengali word indicates a tenure for which rent is payable): **sthyāṭ** (S.) permanent: **sthir** (B.) fixed: **sthir** (S.) definite: **swatwa** (B.) right, interest: **tahāṭ** (A.) collection: **tahāṭilāṇ** (A.) relating to collection, collection charge: **tāḍ** (A.) stipulated rent: **taksimī** (A.) as divided, relating to a division: **tāluk** (A.) land with which a man is connected or for which he is responsible: **tāṭā** (U.) rupee: **tarāṭ** (A.) side, region, contiguous: **thikā**, **thekā** (U.) at a lump sum: **tim** (B.) subordinate: **upajibikā** (S.) means of livelihood: **utsarga** (S.) dedicated.

APPENDIX No. 6.

Statement I.—Of Area—General.

[Figures in square miles.]

THANA.	Total.	WATER AREA.			Nett land area.	Under cultiva- tion.	Cultiv- able, but not cultiv- ated.	Un- cultiv- able.
		In Meghnā river and estuary.	In other rivers forming district boundary	Other rivers and streams.				
1	2	3	4	5	6	7	8	9
Gaurnadi ...	263	} Not distributed by thanas or sub- divisions.		15	248	185½	24½	38
Jhālākāti ...	149			11½	137½	109	11½	17
Nalchhiti ...	90			7	83	67	8	8
Bākarganj ...	153			12	140½	116	10½	14
Arisāl ...	170			21	149	120½	14½	14
Mehendiganj ...	301			47	249	190	24½	34½
Sadar subdivision ...	1,122	...	...	114	1,008	788	94	126
Patuākhāli ...	278½	...	...	30½	248	205	18	25
Āmtali ...	555½	...	...	84½	471	245	62	174
Galāshipā ...	337	...	...	28	309	194	65	55
Bāuphal ...	161	...	...	7	164	130	10	15
Patuākhāli subdivision ...	1,931	...	...	150	1,182	754	165	273
Pirozpur ...	129½	...	...	16	114½	55	7	12½
Swarupkāti ...	222½	...	...	16	206½	144½	25	97
Bhandāriā ...	123	...	...	11	111	82	8	21
Matbāriā ...	254	...	...	12	242	165	32	45
Pirozpur subdivision ...	728	...	...	64	674	487	72	115
Bholā ...	255	...	...	17	238	166	22	50
Barāhānuddin ...	402	...	...	15	387	233	71	83
Dakshin Sākābāzpur sub- division ...	657	...	...	32	625	399	93	133
Total of the district ...	4,891	978	73	350	3,450	2,427	415	648
				3,840				

NOTE.—The apparent errors in totals are due to the elimination of fractions.

APPENDIX No. 6.

Statement II.—Details of Land Area.

[Figures in acres.]

THANA.	UNDER CULTIVATION.							CULTIVABLE, BUT NOT CULTIVATED.							UNCULTURABLE.							Total.
	Bhadai crops.	Winter crops.	Rain crops.	Miscellaneous.	Defauli.	Total.	New fallow.	Old fallow.	Reeds and bamboo clumps.	Thatching grass.	Miscellaneous.	Total.	Homes, steats, mosques and temples.	Tanks and ditches.	Roads.	Marsh.	Char.	Forest.	Un-culturable fallow.	Miscellaneous.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
Gaurnadi	24,725	39,367	16,317	11,392	31,951	118,790	2,443	5,253	1,275	2,472	4,132	15,574	10,467	6,823	1,231	3,960	324	...	529	996	24,279	
Jhalakali	8,267	64,816	1,707	12,635	7,800	60,677	2,463	566	1,859	1,203	1,273	7,340	6,133	2,770	668	69	215	...	128	1,042	10,466	
Nachhatti	8,680	35,628	1,478	6,349	9,632	42,654	1,280	1,714	184	886	1,354	5,308	2,310	1,662	726	...	31	...	261	314	5,393	
Bakerganj	12,867	35,495	3,516	9,059	10,945	74,251	1,277	2,436	611	1,179	1,430	6,945	4,855	1,710	1,242	...	183	...	1,369	694	9,389	
Barsal	21,077	59,406	9,163	8,473	21,836	77,113	1,024	1,637	1,638	1,941	2,911	9,165	3,779	3,055	1,156	...	127	...	378	332	8,825	
Mehendiganj	13,131	98,000	23,953	25,712	38,303	121,602	3,747	2,714	4,708	2,567	1,898	15,625	6,731	4,061	1,547	...	3,574	...	4,187	1,877	22,177	
Sadar subdivision	94,947	401,913	54,165	73,648	120,456	504,167	12,117	14,430	10,245	11,934	12,968	60,015	33,576	20,200	6,310	3,929	4,863	...	6,779	5,181	80,939	
Patakhali	11,644	117,869	2,141	11,759	12,030	131,404	2,005	6,951	317	1,406	1,301	11,321	6,815	2,970	1,012	538	245	...	308	4,331	16,407	
Amfali	7,929	114,263	1,171	5,417	8,021	136,696	2,403	3,300	701	962	931	39,563	6,567	1,381	337	...	2,623	51,190	4,567	14,891	111,255	
Galschips	1,347	112,161	4,795	3,771	4,158	117,917	2,571	13,530	1,743	1,032	23,207	42,004	4,741	1,766	617	915	19,949	270	1,204	8,441	37,934	
Baughal	11,572	72,073	8,377	4,591	13,650	82,973	732	1,454	276	1,562	3,343	6,306	3,895	2,432	872	...	178	...	983	377	9,297	
Patakhali subdivision	33,492	440,326	16,484	25,548	37,859	482,992	7,602	27,144	3,407	4,333	56,649	99,494	22,018	8,289	2,639	1,453	22,393	81,460	7,401	28,641	174,404	
Swarupkati	13,318	73,172	7,726	13,717	15,548	92,384	4,316	4,307	2,703	680	3,546	16,041	7,529	2,512	384	12,023	43	...	352	920	23,769	
Pirozpur	324	47,392	297	13,383	266	60,979	628	2,454	315	153	911	4,518	4,786	1,519	321	...	278	...	287	914	7,933	
Bhandaria	4,341	42,856	384	9,431	4,242	51,829	669	1,977	1,363	399	733	5,040	3,014	1,164	257	6,323	181	...	222	1,512	13,304	
Matbaria	2,177	83,289	1,233	10,274	1,661	105,314	1,941	6,211	2,491	3,854	0,328	20,556	4,101	1,695	540	...	140	4,476	3,675	13,878	83,716	
Pirozpur subdivision	20,069	256,613	9,614	46,804	21,627	311,467	8,118	15,042	6,772	5,026	11,507	46,454	19,431	6,726	1,636	19,946	641	4,473	4,736	17,223	73,715	
Bho's	9,268	89,968	15,198	19,768	27,315	159,907	1,558	6,145	2,799	1,405	2,543	14,253	12,218	5,412	2,672	...	2,612	...	3,678	5,478	32,105	
Barahmandin	7,724	131,110	18,298	18,666	21,304	148,904	2,014	35,184	777	1,808	5,618	46,401	7,730	5,721	3,201	...	9,505	16,263	4,785	6,056	63,245	
Dakshin Sababaspur subdivision	16,592	250,078	33,486	32,874	48,619	254,611	3,372	41,332	3,576	3,213	8,161	59,653	19,348	11,133	5,879	...	12,147	16,263	8,466	11,514	85,350	
Total of district	164,392	1,324,933	113,749	178,874	218,571	1,653,376	31,409	97,947	23,679	25,305	89,286	265,617	95,073	46,319	16,562	24,329	40,015	102,149	27,383	62,560	414,409	

NOTE.—The apparent errors in totals are due to the elimination of fractions.

APPENDIX No 6.

Statement III.—Of Crops.

THANA.	CEREALS AND PULSES.											OILSEEDS.				
	Rice.			Wheat.	Barley.	Lathyrus Sativus.	Ervum lens.	Mung.	Gram.	Other food-grains.	Total.	Linseed.	Til or gingelly.	Mustard and rape.	Others.	Total.
	Aus.	Amun.	Boro.													
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Gaurnadi	14,948	98,118	330	...	...	8,698	1,517	99	1	124	123,883	170	2,632	187	1	2,990
Jhalakati	7,619	54,221	13	...	...	802	216	51	3	151	63,078	9	73	14	1	91
Nalchhiti	9,438	36,046	...	...	...	236	347	31	...	163	46,340	9	258	60	6	333
Bārganj	12,841	59,177	24	...	...	1,113	829	73	...	179	74,234	12	403	86	83	584
Barisal	15,470	55,985	41	...	...	1,324	2,083	332	3	681	75,908	3	313	111	12	3,456
Mehendiganj	6,651	90,344	914	...	...	7,112	1,332	226	2	842	107,423	397	8,529	252	54	1,191
Total of Sadar subdivision ...	66,988	392,859	1,321	...	...	19,314	6,328	802	8	2,141	480,816	610	15,208	690	136	16,644
Patuakhali	11,618	117,645	...	...	...	677	287	108	1	68	130,400	3	38	4	7	53
Amali	7,764	144,298	1	...	...	543	11	1	2	187	152,723	...	13	1	...	13
Galschipsa	1,380	112,076	...	...	...	782	120	1,577	1	232	116,163	8	159	27	7	198
Bauphal	11,371	72,019	20	...	...	1,029	847	4,299	2	230	69,817	27	153	205	12	367
Total of Patuakhali subdivision ...	32,071	445,948	22	...	...	3,036	1,264	5,985	6	715	489,046	37	360	237	26	680
Swarupkati	13,434	72,610	3,719	...	...	310	67	16	2	401	30,759	56	2,058	55	4	2,213
Pirozpur	202	47,071	...	...	...	219	3	...	1	9	47,505	...	...	2	...	2
Bhandaria	4,385	42,666	57	...	...	155	17	3	...	54	47,276	...	1	...	...	3
Matbaria	2,013	93,068	...	...	...	262	...	7	...	150	95,500	2	9	16	...	27
Total of Pirozpur subdivision ...	19,975	255,415	3,776	...	...	946	87	26	3	814	261,633	58	2,119	73	4	2,244
Bhola	8,615	88,706	...	...	...	5,198	790	5,345	1	268	100,695	1,369	989	27	74	2,459
Barshamuddin	7,973	130,190	...	...	...	4,840	265	6,625	2	68	149,579	2,309	725	27	4	3,187
Total of District and Sadar subdivision ...	16,918	218,906	...	...	...	9,937	1,055	12,471	3	334	569,574	3,769	1,714	64	77	5,614
Total of district ...	136,962	1,313,056	5,119	...	...	33,313	8,728	19,234	19	4,004	1,519,475	4,474	19,391	1,053	245	25,183

THANA.	Condiments and spices.	FIBRES.										DRUGS AND MANUFACTURES.		MISCELLANEOUS.				Twice-cropped area.
		Sugarcane.	Sunne hemp.	Jute.	Mesha.	Others.	Total.	Tobacco, B.A.F.	Fodder crops.	Retail (P.M.).	Fruit-bearing orchard and garden produce.	Potato.	Others.	Non-food crops.	Grand Total.			
18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33			
Gaurnadi	1,050	2,088	69	7,778	813	...	8,669	214	1	385	11,278	224	44	2	150,771	31,981		
Jhalakati	340	820	...	610	50	...	660	...	18	46	13,569	32	31	...	77,486	7,809		
Nalchhiti	893	785	...	116	...	...	116	...	...	85	5,232	37	23	2	52,235	9,631
Bārganj	602	376	3	112	8	...	123	...	...	154	9,916	1	8	...	84,056	10,805
Barisal	934	3,515	2	5,118	58	...	5,176	82	2	195	9,942	1	14	3	86,118	21,946		
Mehendiganj	4,027	1,777	4	11,058	379	...	11,441	236	26	49	25,499	3	215	19	150,903	38,303		
Total of Sadar subdivision ...	7,307	9,161	78	24,730	1,369	...	26,176	513	47	824	73,445	299	335	26	624,573	120,466		
Patuakhali	883	245	...	24	4	...	28	2	...	21	11,796	...	6	...	143,438	12,630		
Amali	474	162	2	14	...	...	16	11	...	...	5,305	...	16	...	153,719	8,021
Galschipsa	1,620	87	2	6	...	...	7	3	1	10	3,391	1	50	...	121,973	4,158
Bauphal	1,516	90	3	146	...	...	149	1	...	57	4,580	...	16	...	96,623	18,620
Total of Patuakhali subdivision ...	4,493	583	6	190	4	...	200	17	1	88	25,673	1	83	...	520,561	37,859		
Swarupkati	483	167	2	291	27	...	320	48	...	22	13,659	1	254	1	107,988	15,546		
Pirozpur	19	251	...	6	3	...	9	1	...	214	13,171	...	23	...	61,196	256		
Bhandaria	196	224	...	11	2	...	13	5	...	98	9,203	...	14	...	57,090	4,262		
Matbaria	372	389	...	57	1	...	58	36	...	2	10,334	...	186	...	106,975	1,561		
Total of Pirozpur subdivision ...	1,074	1,042	2	365	33	...	400	91	...	334	40,338	1	478	1	333,094	21,627		
Bhola	3,976	805	1	518	4	...	624	3	...	52	14,509	...	1,193	6	133,321	27,315		
Barshamuddin	3,825	258	3	138	...	...	141	5	2	32	13,757	...	152	2	170,205	21,304
Total of District and Sadar subdivisions.	7,801	1,064	5	656	4	...	665	8	2	84	27,265	...	1,345	8	303,430	48,619		
Total of district ..	20,675	11,850	80	26,001	1,350	...	27,441	628	49	1,532	172,751	301	2,245	38	1,781,947	228,571		

NOTE.—The apparent inaccuracies in the totals are due to the elimination of fractions of the acre.

APPENDIX No. 6.

Statement IV.—Of Homesteads and Fruit-bearing Trees.

THANA.	Number of inhabited home- steads.	NUMBER OF FRUIT-BEARING TREES.				
		Arecanut.	Cocoanut.	Date palm.	Palmyra.	Bamboo clumps.
1	2	3	4	5	6	7
Gaurnadi	24,070	722,801	62,932	104,221	11,812	50,221
Jbālekāti	17,364	3,463,273	524,041	97,592	16,136	24,670
Nalebhiti	8,206	1,123,803	87,981	57,908	10,117	14,000
Bākarganj	14,230	2,409,932	152,557	79,070	17,380	22,000
Barisāl	16,296	1,643,273	100,592	80,906	9,751	25,000
Mehendiganj	16,822	4,771,306	70,194	78,454	11,506	18,669
Sadar subdivision ..	96,989	14,134,388	998,297	498,151	76,702	154,560
Patuākhāli	19,501	2,144,634	295,106	109,588	31,195	40,000
Āmtali	15,274	220,450	50,171	29,147	4,544	11,750
Galāchupā	8,706	165,274	100,340	22,289	8,197	35,000
Bāuphal	10,149	893,610	109,136	75,738	19,752	32,000
Patuākhāli subdivision ...	53,630	3,423,468	554,753	236,762	63,688	118,750
Swarupkāti	19,756	1,098,669	269,719	53,527	10,743	21,090
Pirozpur	14,536	2,772,961	293,884	81,400	15,468	11,222
Bhāndariā	10,348	474,129	71,771	36,789	9,171	6,079
Ma bāriā	13,200	700,762	260,526	99,901	16,210	21,644
Pirozpur subdivision ...	57,840	5,046,521	696,900	269,617	50,592	60,035
Bholā	11,453	863,909	15,707	11,154	2,495	657
Barāhānuddin	9,969	2,203,185	81,720	53,900	13,028	13,559
Dakshin Sāhābāzpur sub- division.	21,412	3,067,094	97,427	65,054	15,523	14,216
Total of district ...	2,27,870	25,671,571	2,547,377	1,669,584	206,505	347,561

NOTE.—This applies to the area under settlement only. The figures for Bholā and in a lesser degree Barāhānuddin are much below the actual totals on this account, especially in arecanuts. The total of Mehendiganj arecanuts is also somewhat reduced for the same reason. The khasra figures of the district settlement in Bholā and Barāhānuddin appear to have been very inaccurate.

A homestead may contain two or more occupied houses in the Census sense. In fact one inhabited homestead appears to be equivalent to two "occupied houses" in most thanas.

APPENDIX No. 6.

Statement V.—Of Agricultural Stock.

THANA.	Bulls.	Bullocks.	Cows.	Calves.	Buffaloes.	Buffalo cows.	Buffalo calves.	Sheep.	Goats.	Horses and ponies.	Plough.	Carts.	Boats.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Gaunadi	508	24,406	19,674	17,365	173	5	46	14	2,840	44	9,988	36	13,801
Jhalakati	588	15,343	15,821	11,764	104	87	23	170	2,635	17	8,881	62	7,669
Nalchhiti	391	9,355	8,652	7,578	33	6	96	21	1,177	53	4,231	27	1,119
Bakarganj	715	15,195	17,027	14,898	25	4	316	63	2,238	59	9,153	54	3,756
Barisal	978	20,653	17,928	18,310	56	3	273	56	3,560	58	9,192	107	2,277
Mehendiganj	324	19,831	12,788	11,846	86	41	32	28	1,907	35	8,991	38	1,482
Sadar subdivision	3,394	107,783	91,960	81,651	477	146	789	356	14,861	266	49,771	319	30,103
Patuakhali	1,369	33,635	29,572	23,936	2,091	2,444	948	28	3,299	156	20,903	110	8,205
Amtali	396	9,285	8,281	7,540	2,681	2,147	973	33	1,198	39	7,421	8	1,751
Galachipa	631	11,066	11,738	10,931	4,350	3,818	1,773	56	1,748	60	7,793	61	1,503
Bauphal	687	20,351	14,434	13,527	405	310	350	38	2,937	73	11,202	47	1,402
Patuakhali subdivision	3,073	74,337	64,025	55,934	9,427	8,719	4,044	155	9,180	328	47,319	221	12,841
Swarnpukati	2,207	18,430	21,906	14,533	133	54	32	109	2,329	24	10,664	47	14,300
Pirozpur	424	16,380	12,062	8,824	46	22	20	37	1,560	16	7,956	7	4,542
Bhandaria	151	11,455	9,771	7,411	80	109	53	2	1,370	6	6,556	86	3,157
Matbaria	464	18,971	16,710	14,370	153	104	38	7	2,250	37	11,048	7	1,869
Pirozpur subdivision	3,246	65,236	60,419	45,138	412	289	143	155	7,509	83	35,624	147	23,968
Chohā	251	17,545	15,634	13,700	3,565	2,913	1,497	17	3,598	43	10,275	275	815
Barāhanuddin	948	14,208	13,956	12,287	7,329	5,255	3,382	58	3,094	90	11,321	525	536
Dakshin Sāhāī Kāzpur subdivision	1,199	31,753	29,790	25,987	10,394	8,168	4,879	75	6,602	133	21,593	800	1,35
Total of the district	10,912	279,109	246,224	208,710	21,210	17,322	9,355	741	37,652	810	154,310	1,487	69,163



APPENDIX No. 6.

Statement VI.—Number of Tenancies.

THANA.	Proprietors.	Rent-paying tenants.	Rent-free tenants.	Total of tenure-holders.	RAYATS PAYING CASH RENTS.				RAYATS ON PRODUCE RENTS.				UNDER-SAIYATS.								Total of under-tenants.	The public.	Public departments.	
					Settled.		Occupancy.	Non-occupied.	Rent-free rate.	Total of tenants.	1st degree.		2nd degree.		3rd and lower degrees.		Total.							
					At fixed rates.	Settled.	Occupancy.	Non-occupied.	Settled.		Occupancy.	Cash.	Produce.	Cash.	Produce.									
1																								
Gaurahalli	2,832	24,631	28	6,181	30,834	8	55,749	46	1,014	8,791	25	1,369	70,012	1,133	77	25	6	5,524	1,158	6,682	711	64		
Jambhali	95	60,710	124	8,931	69,765	18	33,991	66	834	4,461	38	324	39,756	490	213	22	2	5,741	512	6,253	613	44		
Nakhibi	329	34,954	69	3,150	38,173	...	23,546	83	1,118	3,751	45	1,138	27,659	5,522	127	19	3	4,012	480	4,492	561	75		
Bikarai	426	39,908	62	3,407	43,367	...	39,926	19	560	3,373	31	304	49,553	664	138	33	4	5,207	701	5,908	834	22		
Barkarai	182	22,277	431	6,195	28,905	11	59,219	35	1,640	5,313	211	2,028	56,433	678	111	13	6	4,580	691	5,271	784	47		
Mehendiganj	508	11,434	6	790	12,230	680	36,812	53	1,837	879	30	90	39,901	452	793	38	42	14,446	490	14,936	530	14		
Sadar subdivision	4,372	228,614	764	23,654	248,232	757	243,293	259	6,027	26,468	4	350	273,714	37,971	1,679	150	60	39,510	4,032	43,542	4,023	296		
Patanahalli	290	39,773	13	1,438	41,224	...	44,821	2	490	1,663	11	424	47,340	6,390	123	3	5	5,518	113	5,631	692	109		
Tatali	40	19,688	4	63	19,772	...	21,650	68	1,496	533	75	105	23,335	2,718	54	61	...	2,779	54	2,834	313	11		
Gadachip	188	19,035	561	942	20,538	...	19,483	5	785	1,051	12	188	21,897	2,776	71	75	...	2,352	71	2,423	321	16		
Baropaj	39	22,831	36	1,465	24,302	...	27,968	3	248	979	1	258	29,477	3,737	119	96	2	3,835	123	4,058	476	114		
Patanahalli subdivision.	577	87,357	614	8,170	91,141	1	114,145	78	2,949	4,231	90	945	122,449	17,421	354	7	8	15,934	361	16,295	2,092	147		
Swarupkati	197	95,616	113	2,130	97,859	177	94,997	51	1,905	3,147	33	381	99,376	2,619	449	25	1	2,678	474	3,152	1,188	62		
Pirozpur	74	29,439	310	2,230	31,669	...	31,501	2	637	2,463	3	179	34,036	5,768	60	4	1	2,629	166	2,795	307	43		
Bhandaria	31	37,334	143	641	38,118	...	17,740	15	403	1,789	11	159	18,135	1,798	100	62	2	1,529	102	1,631	260	14		
Matuaris	76	21,694	33	72	21,868	...	17,074	30	217	1,738	40	47	19,137	1,011	137	2	...	1,029	189	1,218	226	32		
Pirozpur subdivision	578	104,163	593	5,673	109,829	178	78,536	93	2,461	9,138	20	147	91,344	6,186	849	33	4	8,386	881	9,267	2,136	133		
Rhola	169	4,774	...	76	4,850	659	39,440	1,918	1,819	97	3	39	42,805	4,919	35	...	17	5,078	35	5,119	307	43		
Brahmanuddin	98	9,463	...	524	10,447	325	29,936	387	2,170	364	4	80	33,463	4,332	73	...	4	4,408	82	4,490	401	67		
Dakshin Sahabzpur subdivision.	267	34,177	29	690	34,867	...	69,976	1,605	3,489	461	7	119	76,271	9,151	108	9	21	9,486	117	9,603	708	110		
Total of district	5,694	429,611	2,909	32,397	464,008	2,160	505,350	2,039	14,926	45,308	25	643	565,778	70,929	5,191	199	93	73,383	6,391	79,001	8,570	656		

NOTE.—Proprietors include all partners who maintain a separate managing establishment. The "Public" includes khals, hahals, roads, paths, etc.; "Public departments" all land occupied by public departments, whether held in tenant-right or acquired outright.

APPENDIX No. 6.

Statement VII.—Occupation of the land.

AMOUNT OF LAND—																					
THANA AND SUBDIVISION.		In the holdings of ryats on cash rents.										In the holding of ryats on produce rents.			In the occupation of public.	In the occupation of public departments.	In the holdings of under-ryats.				Paying no rent.
		In the immediate occupation of—					In the holdings of ryats on cash rents.					On cash rents.		On produce rents.							
		Proprietors.	Tenure-holders in cash.	Tenure-holders paying rent in kind.	Tenure-holders paying no rent.	At fixed rates.	Settled ryats.	Occu-pancy ryats.	Non-occu-pancy ryats.	Settled ryats.	Occu-pancy ryats.	Non-occu-pancy ryats.	1st degree.	2nd degree.			3rd and lower degrees.	1st degree.	2nd degree.	3rd and lower degrees.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Gaurmahal	2,646	19,054	13	861	10	121,998	119	1,449	10,071	...	85	1,138	5,004	561	5,377	67	...	875	15	...	23
Jhalakati	176	59,101	195	575	11	43,574	46	271	3,467	...	32	169	7,613	114	8,890	109	...	339	12	...	7
Nachitri	440	20,369	52	631	...	28,110	18	376	2,932	...	52	221	4,782	108	2,833	64	...	327	8	...	1
Nakaraui	601	23,630	31	635	...	60,544	17	344	3,139	...	41	221	8,182	135	3,106	135	...	651	18	...	3
Bakaraui	803	23,408	533	753	...	57,887	39	1,715	5,430	...	2	183	7,705	313	3,436	183	...	603	8	...	3
Burisi	2,197	25,408	633	753	...	57,887	39	1,715	5,430	...	2	183	7,705	313	3,436	183	...	603	8	...	3
Mehendiganj	9,414	21,701	16	416	1,382	121,880	176	5,021	555	...	48	183	12,656	61	15,550	734	23	603	46	...	10
Total of Sadar subdivision	15,614	149,164	841	3,801	1,538	433,921	415	9,175	25,644	3	421	1,932	45,893	1,277	34,182	1,290	98	3,389	107	1	46
Panukhali	245	37,634	25	379	...	114,356	8	203	2,755	...	2	392	19,890	486	6,430	73	1	146	2	...	9
Amali	97,380	90,382	37	253	...	106,193	438	10,016	1,741	...	251	190	36,578	8	6,158	41	...	120	...	...	1
Gaiching	26,682	49,070	11,406	230	...	113,279	29	3,623	6,532	...	50	259	16,491	81	6,474	187	...	507	...	...	13
Bakpaul	1,243	17,301	29	320	...	75,905	8	81	1,743	...	...	...	5,334	38	3,921	85	...	142	...	...	8
Total of Panukhali subdivision	125,531	194,388	1,577	1,192	3	410,732	463	13,924	11,771	5	325	1,161	78,092	668	21,974	405	1	614	5	...	31
Swarupkati	653	45,390	468	554	692	73,092	73	1,619	8,685	...	175	271	10,792	200	3,841	89	...	510	16	...	2
Pirozpur	47	25,212	993	663	8	40,287	1	90	6,430	...	1	125	8,276	79	2,012	32	...	144	3	...	4
Bharadara	9,445	38,343	398	112	...	26,431	10	461	2,593	...	15	109	6,918	63	1,161	54	1	84	1	...	1
Matbaria	17,090	64,637	97	23	...	57,034	104	1,018	4,367	...	97	49	6,386	63	1,165	9	...	203	3	...	...
Total of Pirozpur subdivision	20,185	173,580	1,932	1,252	639	196,844	188	3,188	21,015	15	281	553	32,371	405	7,679	134	2	941	22	...	10
hola	7,598	21,332	8	773	2,130	113,786	2,304	3,324	235	...	43	67	8,092	115	4,853	173	13	95	...	...	4
Burahannadin	42,008	56,105	11	604	1,690	120,000	2,549	11,981	778	...	19	163	20,151	458	7,962	163	3	126	19	...	2
Total of Dakshain Subahkapur sub-division.	50,534	77,437	19	1,377	3,920	238,786	4,854	15,305	1,013	...	62	230	28,243	573	12,825	336	16	220	19	...	6
Total of the district	911,514	694,669	4,367	7,612	6,060	1,275,933	5,940	41,592	59,443	24	1,089	3,387	184,699	2,662	76,910	2,185	52	5,174	163	1	92

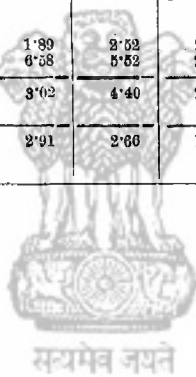
NOTE.—The apparent inaccuracies in the totals are due to the elimination of fractions.

The "Public" includes rivers, streams, roads, paths, etc.; "Public Departments" public buildings and their compounds, including those belonging to the District Board and Municipalities. The lands shown in columns 2 to 15 are mutually exclusive. The lands shown in columns 16 to 22, while columns 16 and 19 include the land shown in columns 17 and 20, and columns 17 and 20 the land shown in columns 18 and 21.

APPENDIX No. 6.

Statement VIII—Size of Holdings.

THANA.	RAIYATS ON CASH RENTS.				RAIYATS ON PRODUCE RENTS.			UNDER-RAIYATS ON CASH RENTS.		Under raiyats on produce rents of 1st degree.
	At fixed rates.	Settled raiyats.	Occu-pancy raiyats.	Non-occu-pancy raiyats.	Settled raiyats.	Occu-pancy raiyats.	Non-occu-pancy raiyats.	1st degree.	2nd degree.	
1	2	3	4	5	6	7	8	9	10	11
Gaurnadi	1'23	2'07	2'60	1'42	1'14	...	2'43	'98	'86	'77
Jhalakati	'63	1'28	'53	'32	'77	...	'84	'69	'50	'69
Nalchhiti ... ..	...	1'19	'95	3'18	'78	'40	'70	'73	'50	'71
Bakkurmanj	2'70	1'53	'91	'61	'93	...	1'31	'61	'85	'97
Barisli	2'41	1'14	1'10	1'04	'94	1'06	'87	'77	1'64	'89
Mehendiganj	2'03	3'31	3'32	2'37	1'46	...	1'59	1'14	'92	1'33
Sadar subdivision	2'03	1'78	1'60	1'40	'96	'73	1'07	'90	'87	'87
PatuEkhal ... ..	...	2'59	4'10	'48	1'66	...	2'15	'84	'59	1'32
Amali	3'20	4'85	6'44	5'95	3'23	5'15	3'34	2'26	1'48	2'21
Galachipa ... ..	...	5'70	5'79	4'61	5'28	...	4'18	2'33	2'09	2'92
Bauphal ... ..	...	2'71	2'68	'32	1'78	...	'47	1'05	'88	1'19
PatuEkhal subdivision	3'29	3'57	6'10	4'31	2'76	5'15	3'23	1'40	1'14	1'73
Swarupkati	3'90	3'20	1'43	1'24	2'76	'25	1'88	1'27	1'53	1'13
Pirozpur	7'59	1'83	'36	'16	2'21	...	'46	'73	'30	'66
Phanabari ... ..	...	1'60	'64	1'14	1'41	'80	'68	'68	'54	'84
Matbaria ... ..	...	3'34	3'47	4'68	2'51	...	2'43	1'14	'51	1'48
Pirozpur subdivision	3'92	2'51	1'90	1'29	2'29	'77	1'91	'94	'77	1'11
Bholi	3'09	2'34	1'99	2'52	2'42	...	14'30	'97	1'22	2'71
Barahnuddin	3'22	4'01	6'58	5'52	2'13	...	4'65	1'88	'94	1'71
Dakshin Sakhazpur sub-division	3'14	3'37	3'02	4'40	2'19	...	8'79	1'40	1'07	2'04
Total of the district	2'82	2'51	2'91	2'66	1'47	'94	1'69	1'08	'93	'99



APPENDIX No. 6.

Statement IX—Rents of Raiyats and Under-raiyats.

THANA.	RAIYATS AT FIXED RENTS.		SETTLED RAIYATS.		OCCUPANCY RAIYATS.		NON-OCCUPANCY RAIYATS.		UNDER-RAIYATS OF 1ST DEGREE.		UNDER-RAIYATS OF 2ND DEGREE.		UNDER-RAIYATS OF 3RD AND LOWER DEGREES.	
	Total rent.	Rate per acre.	Total rent.	Rate per acre.	Total rent.	Rate per acre.	Total rent.	Rate per acre.	Total rent.	Rate per acre.	Total rent.	Rate per acre.	Total rent.	Rate per acre.
Gauradi	39	3 14 5	3,16,780	2 9 10	440	3 11 0	3,922	2 10 2	20,598	4 13 1	423	6 6 11	423	6 6 11
Jhalakoti	96	8 7 2	2,15,397	4 15 0	294	6 6 9	4,231	15 9 9	31,581	8 4 3	1,237	11 6 5	1,237	11 6 5
Nichitli	...	...	1,45,397	5 4 6	77	4 4 5	562	1 7 10	19,216	6 13 1	519	8 2 1	519	8 2 1
Bakarganj	535	4 15 2	3,66,367	5 14 2	97	5 9 6	2,390	6 15 1	26,925	8 10 8	1,033	7 10 11	1,033	7 10 11
Baresi	145	5 7 6	2,88,365	4 15 8	232	6 8 5	16,683	9 11 7	23,051	6 11 4	1,173	6 6 10	1,173	6 6 10
Mehendiganj	3,864	2 12 8	5,94,520	4 14 0	737	4 3 0	24,004	5 2 7	1,33,955	8 9 9	6,614	9 0 1	6,614	9 0 1
Sadar subdivision	4,679	3 0 6	10,21,794	4 6 10	1,897	4 9 2	51,681	6 14 8	2,61,326	7 10 6	11,005	8 8 5	11,005	8 8 5
Patakhali	...	...	7,35,634	6 5 2	65	7 14 4	1,974	9 11 6	52,478	9 10 10	656	8 15 7	656	8 15 7
Amali	14	4 4 4	6,39,836	6 2 7	777	1 12 4	35,381	3 14 10	83,029	8 10 0	841	9 4 9	841	9 4 9
Calcutta	...	...	5,02,819	4 7 8	102	3 8 5	12,300	3 6 3	44,778	6 14 6	1,078	6 13 8	1,078	6 13 8
Bauphal	...	...	4,01,541	5 4 9	26	3 4 5	1,111	13 11 2	23,162	7 3 0	637	7 10 0	637	7 10 0
Patakhali subdivision	14	4 4 4	22,75,879	5 9 3	970	2 0 1	50,966	3 14 10	1,73,447	8 1 11	3,219	7 15 1	3,219	7 15 1
Swarupkoti	1,909	2 14 3	2,08,737	2 13 8	189	2 11 4	5,707	3 8 4	10,666	3 3 1	163	1 13 4	163	1 13 4
Pirozpur	46	6 1 6	1,92,675	4 12 6	5	6 15 1	1,634	18 3 9	13,238	6 9 3	152	7 0 10	152	7 0 10
Randhri	...	...	1,34,873	5 1 7	54	5 10 2	1,815	3 14 11	8,660	7 7 6	316	9 5 5	316	9 5 5
Nauberis	...	...	3,13,954	5 8 7	470	4 8 0	3,033	2 15 8	7,016	6 0 4	79	8 9 8	79	8 9 8
Pirozpur subdivision	2,045	2 14 9	8,50,230	4 5 1	727	3 13 10	12,189	3 13 2	39,585	5 2 5	710	4 9 10	710	4 9 10
Rhois	8,749	4 1 8	3,98,293	3 7 0	8,452	3 10 8	11,677	3 8 3	41,932	8 10 2	1,373	7 14 8	1,373	7 14 8
Barahmandin	3,415	2 0 4	3,42,154	2 13 7	3,151	1 3 7	26,701	2 3 8	33,617	4 3 4	815	5 0 5	815	5 0 5
Dakshin Sahibzpur subdivision	12,164	3 2 11	7,40,447	3 2 8	11,533	2 6 2	38,379	2 8 1	75,509	5 14 2	2,139	6 8 4	2,139	6 8 4
Total of the district	18,903	3 1 11	57,92,850	4 8 10	15,178	2 8 11	1,53,225	3 12 8	5,54,868	7 9	17,123	7 13 4	17,123	7 13 4

NOTE.—The apparent inaccuracies in the totals are due to the elimination of fractions of rupees.

APPENDIX No. 6.

X.—Of sales and mortgages of raiyati holdings.

NAME OF THANA.	NUMBER AND AREA OF HOLDINGS TRANSFERRED DURING THE LAST TEN YEARS.				AREA TRANSFERRED TO—				Number of raiyats who still occupy their lands.	Total price for whole holdings.	Total price for part holdings.	MORTGAGES BY RAIYATS.	
	Entire holdings.		Part of holdings.		Land-lord classes.	Law-yer class.	Maha-jans.	Raiyats.				No.	Area.
	No.	Area.	No.	Area.									
1	2	3	4	5	6	7		9	10	11	12	13	14
										Rs. A. P.	Rs. A. P.		
Barisal	75	127'76	40	43'21	16'68	...	22'30	70'24	7	6,588 10 4	2,381 5 10	237	295'85
Bakerganj	21	33'79	16	26'15	16	1'61	33'53	24'34	9	1,590 8 0	1,671 0 0	235	357'33
Nalchhiti	27	59'36	19	29'23	2'73	...	25'20	69'38	16	1,647 12 0	1,412 0 0	159	204'55
Banpur	30	65'38	61	114'42	2'02	...	6'22	155'18	...	8,502 18 0	8,374 12 0	320	645'70
Patuakhali	7	19'02	40	57'10	10'22	...	3'26	99'17	...	827 13 0	1,599 5 0	883	2071'98
Galachipa	3	21'09	3	23'74	...	...	9'53	35'30	...	55 12 8	487 0 0	95	353'36
Gournadi	53	171'87	47	112'15	33'88	...	6'16	235'04	3	2,500 11 2	2,188 4 4	463	559'35
Mehendiganj	61	218'55	64	121'51	...	...	...	326'98	55	8,632 1 8	8,492 9 6	244	314'52
Barahanuddin	143	537'13	254	566'28	19'83	...	...	1003'70	...	15,463 8 0	24,911 0 0	103	240'45
Jhalakati	35	338'81	33	63'88	3'78	...	3'53	308'23	43	29,535 14 0	4,418 8 0	350	391'83
Mathbaria	26	66'58	9	17'12	3'21	...	...	79'49	...	6,788 2 0	1,664 3 0	302	459'00
Amtali	1	1'55	1	5'62	1'55	...	...	5'62	...	87 0 0	130 8 0	580	1083'87
Pirojpur	1	5'58	...	...	...	...	...	5'58	...	100 0 0	...	787	871'20
Bhandaria	10	20'01	2	5'86	...	...	...	8'51	...	1,967 8 0	432 0 0	294	395'05
Swarupkati ... ..	...	...	...	...	...	...	...	...	...	...	...	421	615'26
Total	493	1681'18	594	1187'62	94'06	1'61	110'12	2501'75	193	72,698 1 5	53,172 5 8	5,472	8,869'10

or Rs. 43 or Rs. 45
per acre. per acre.
Rs. 44 per acre.

APPENDIX No. 7.

I—General Statement of Expenditure and Receipts.

YEAR.	EXPENDITURE.			RECEIPTS.		TOTAL.
	Survey.	Settlement.	Total.	Court-fees.	Miscellaneous.	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1899-1900	355	...	355	...	...	...
1900-01	27,867	17,787	45,654	...	...	...
1901-02	1,86,336	82,432	2,18,768	272	763	1,035
1902-03	1,88,331	1,55,937	3,44,268	1,600	1,442	3,042
1903-04	1,43,864	2,15,870	3,59,674	4,114	2,061	7,075
1904-05	1,99,706 (a)	2,65,606	4,65,402	6,637	1,927 (d)	8,564
1905-06	1,42,576 (b)	2,96,726	4,39,302	12,349	3,257 (e)	15,606
1906-07	5,943	2,93,364	2,99,307	14,395	3,652	18,047
1907-08	22,345 (c)	1,79,635	2,01,880	26,343	1,070	27,413
1908-09	2,131	1,36,449	1,38,580	60,987	838	51,825
1909-10	11,563	2,12,495	2,24,058	66,630	1,399	68,028
1910-11	9,780	75,639	85,419	20,344	565 (f)	20,909
1911-12	2,985	5,821	8,806	...	23,579 (g)	23,579
1912-13	1,544	124	1,668	...	4,500 (h)	4,500
Total ...	8,35,266	19,38,094	28,33,360	2,13,671	45,953	2,59,624

(a) Excluding Rs. 3,525 } Expended in making a Sunderbans Topographical Survey and a survey of the Haringhata river, which were no part of the district settlement operations.
 (b) " 7,616 }
 (c) " 21,942 } The Bakarganj portion of the sums paid by compromise in a civil suit for the unexpired part of a lease of offices in Titaghur—(vide Bengal Secretary's No. 1306 L.R., dated the 2nd March 1903, to the Government of India). This charge is to be borne by Government—(vide Board's No. 1200 S. & S., dated 27th July 1908).

(d) Including Rs. 3 } Receipts by the Survey Department.
 (e) " 69 }
 (f) " 404 } By book transfer for sale of materials, etc., to the Faridpur, Dacca and Mymensingh Settlements.
 (g) " S.L. " Jeannie " ... Rs. 12,000, furniture Rs. 861, press materials Rs. 3,900 by book transfer to the Faridpur Settlement and Rs. 6,150, the value of sheds sold to the Local Government—(vide Bakarganj Executive Engineer's No. 2687, dated 17th June 1910).
 (h) Value of an electric Vandyke Press in the Drawing Office, Bengal. Originally purchased by Bakarganj and sold to the Survey Department by book transfer.

II.—Details of Settlement Expenditure.

MAIN SUB-HEAD OF BUDGET.	EXPENDITURE IN—													Total.
	1900-01.	1901-02.	1902-03.	1903-04.	1904-05.	1905-06.	1906-07.	1907-08.	1908-09.	1909-10.	1910-11.	1911-12.	1912-13.	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Pay and allowances of officers ...	7,642	32,944	52,650	69,360	79,459	63,075	66,781	35,044	34,371	50,542	12,229	...	...	5,04,626
Fixed establishment	24	11,143	2,083	11,357	16,199	6,426	8,934	5,545	...	5,737	...	...	...	60,447
Temporary establishment	825	11,750	26,110	40,847	47,209	58,653	44,539	22,445	12,021	23,250	10,705	210	...	2,93,654
Contract and jobwork ... ..	...	4,766	8,697	26,379	59,108	94,403	1,10,375	78,375	58,851	91,943	38,066	2,562	120	5,71,741
Travelling allowances	415	3,406	7,172	9,933	13,330	19,047	18,004	4,295	6,930	13,408	1,693	8	...	97,647
Supplies and services ... ..	...	6,044	23,901	8,539	4,596	10,503	3,306	1,886	...	...	...	...	...	52,777
Contingencies	5,351	5,287	9,765	19,338	19,671	22,060	17,241	12,874	14,134	15,551	11,052	2,033	4	1,55,862
Total direct charges ...	14,257	65,341	1,30,308	1,85,772	2,39,663	2,75,458	2,69,160	1,63,164	1,26,307	2,00,436 (b)	71,750 (a)	6,712 (a)	124 (a)	17,47,753
Contribution to pension, etc. ...	1,616	6,249	9,684	11,623	12,866	9,567	7,956	5,252	5,195	7,685	2,319	17	...	80,033
Forms and stationery supplied by Government Presses.	1,215	7,412	10,806	12,056	5,547	6,235	8,376	6,226	906	...	...	...	...	59,170
Control (Director of Land Records' Office).	679	3,430	5,130	6,414	7,320	5,406	7,372	4,593	3,251	4,614	1,570	92	...	51,139
GRAND TOTAL ...	17,767	82,432	1,55,937	2,15,870	2,65,606	2,96,726	2,93,364	1,79,535	1,36,449	2,12,734	75,639	5,821	124	19,38,094

(a) Drawn from the Faridpur Budget.
 (b) Rs. 58,757 from the Faridpur Budget; remainder from Barisal.

APPENDIX A.

List of important notifications in the Calcutta Gazette concerning the Bakarganj settlement operations.

(a) LOCAL.

Local area.	DATE AND NUMBER OF THE NOTIFICATIONS—	
	Under section 3, Bengal Survey Act.	Under section 101(1), Bengal Tenancy Act.
Thanas Bāuphal, Nalchhiti, Barisāl and Bakarganj.	No. 1960T.—R., dated the 2nd October 1900.	No. 1959T.—R., dated the 2nd October 1900.
Estate No. 1628, taluk Muhammad Safi, Joār Rāmna Bāmna, thana Matbāriā.	No. 448 L.R., dated the 19th January 1901.	No. 447 L.R., dated the 19th January 1901.
Thanas Patuākhalī and Galāchipā ...	No. 2353T.—R., dated the 23rd November 1901.	No. 3864 L.R., dated the 3rd December 1901.
Thanas Bholā, Barmuddin Havildārs, Mehdiganj and Gaurnadi.	No. 221 L.R., dated the 16th January 1903.	No. 223 L.R., dated the 16th January 1903.
Thanas Pirojpur, Sārupkāti, Jhālākāti, Bhāndariā and certain 32 mauzas of thana Matbāriā.	No. 3230 L.R., dated the 14th November 1903.	No. 3229 L.R., dated the 14th November 1903.
Thanas Pirojpur, Sārupkāti, Jhālākāti, Bhāndariā, Matbāriā and Amtali with the exception of the 5 estates—(1) No. 4642 Tushkhālī, (2) No. 1628 Bāmna, (3) No. 4991 Nalishapleza, (4) 13, 23 Lakhraj Ābād Nali and Shapleza, and (5) No. 4841 Chak Raghua (<i>vide</i> notification No. 4950 T.—R., dated 28th October 1904).	No. 346 L.R., dated the 14th January 1904.	No. 347 L.R., dated the 14th January 1904.

* With the exception of certain Government and private estates as given in the list appended with the notification No. 223 L.R., dated the 16th January 1903.

(b) PERSONAL.

Name of Officer.	DATE AND NUMBER OF THE NOTIFICATION.				
	Appointment as Superintendent of Survey.	Appointment as Settlement Officer.	Vesting with powers of Revenue Officer and Settlement Officer.	Vesting with powers of a Collector under Regulation VII of 1822.	Vesting with special powers under the Tenancy Act.
Mr. N. D. Beatson Bell ...	(b) No. 1961 T.—R., dated 2nd October 1900. (c) No. 449 L.R., dated 19th January 1901. (b) No. 222 L.R., dated 16th January 1903. (a) No. 3231 L.R., dated 14th November 1903.	(a) No. 1963T.—R., dated 2nd October 1900.	(a) No. 1964T.—R., dated 2nd October 1900.		
Mr. J. C. Jack ...	(a) No. 657 T.—R., dated 10th May 1905.	(a) No. 2017 L.R., dated 4th April 1905.	(a) No. 659T.—R., dated 10th May 1905.	(a) No. 661 T.—R., dated 10th May 1905.	
Mr. H. K. Briscoe ...	(a) No. 1099 R., dated 4th May 1908.	(d) No. 1091 R., dated 4th May 1908.	(d) No. 12778 O., dated 13th December 1908.	(a) No. 1098 R., dated 4th May 1908.	(d)* No. 1750 R., dated 24th July 1908.
Mr. J. C. Jack ...	(a) No. 2516 R., dated 9th November 1908.	(d) No. 2517 R., dated 9th November 1908.	(d) No. 2519 R., dated 9th November 1908.	(a) No. 2521 R., dated 9th November 1908.	(d)* No. 73 R., dated 12th January 1909. (d)† No. 1560 R., dated 11th July 1910.

(a) Over the whole district
(b) Over thanas.
(c) Over thanas, etc.

(d) Over the whole district and Faridpur.
* Under section 108A of the Tenancy Act.
† Under section 58 of the Tenancy Act.

[illegible]

Thana, mauza, name and R. S. number.	AREA.		Estate in which included.	Thana, mauza name and R. S. number.	AREA.		Estate in which included.	MAHALWAR SUMMARY.					Notification in pursuance of which a record-of-rights was prepared previously to district settlement.
	Acre.	Deci- mal.			Acre.	Deci- mal.		Name and tauzi number of estate.	AREA OF THE ESTATE--		Included in the operation.		
									Excluded from district operation.	Included in the operation.			
BARIHANUDDIN.													
Madhyam Lamchhi Dhati, 1734.	852	00	5239					Mahal Kalupura, No. 5218.	2,960	...	...	No. 815 L.R., dated 23rd February 1897.	
Nischintapur, 1738	1,818	22	1768					Mahal Krishna- pura, No. 5222.	2,267	...	...	No. 5588 L.R., dated 20th December 1895.	
Rajapur, 1746 ...	953	81	1783					Mahal Modhyam Lamchhidhati, No. 5239.	832	...	...	No. 139 T.-R., dated 20th May 1899.	
Sonapur, 1747 ...	1,789	95	1763					Taluk Radha Kanta Sen, 6100	1,893	82	30	95	No. 521 L.R., dated 5th February 1897.
Lakshimpur, 1749	427	29	1764					Mahal Char Lam- chchi Koralmara, No. 6384.	630	...	...	...	No. ... L.R., dated 14th March 1899.
Khoanadi, 1802 ...	73	29	1763					Nishar Mahal Nall and Sapleza, No. 23B.	11,139	78	...	...	(b).
Kalkapur North, 1803.	17	47	1764					Total ...	182,226	10	70,403	80	
Kalkapur South, 1805.	6,965	04	1768										
Kanchanpur, 1806	1,636	37	1764										
Chachra, 1807 ...	41	36	1763										
Chagdpur, 1808 ...	43	73	1764										
Char Adhar Chan- dra.	273	09	1763										
Char Bhasan ...	65	81	1764										
Tazumuddin ...	4,403	07	1763										
Char Sampler ...	474	47	1764										
Char Dhanpura ...	4,235	86	1763										
Char Pyrimohan	449	25	1764										
Char Lamchhi Ko- ramara.	7,852	62	1763										
Tot. 1 ...	1,755	17	1764										
	296	01	1763										
	73	09	1764										
	4,232	59	1763										
	1,610	80	1764										
	1,892	88	1763										
	451	76	1764										
	188	93	1763										
	45	14	1764										
	680	91	1763										
	167	80	1764										
	630	00	6384										
Tot. 1 ...	43,846	30											
MATHEBARIA.													
Tushkhali, 3476 ...	874	38	4642										
Fuulburi, 3477 ...	1,897	19	4642										
Udaytara barir Char, 3478.	1,283	22	4642										
Dhantals, 3479	1,541	16	4642										
Rajganj, 3480 ...	10	58	4642										
Patakata, 3481 ...	1,457	42	4642										
Onjura, 3482	542	18	4642										
Nagrabhanga, 3483	285	83	4642										
Badurs, 3484 ...	730	41	4642										
Datter Mirukhali, 3485.	1,616	94	4642										
Napitkhali, 3486 ...	530	81	4642										
Tiga, 3487 ...	241	03	4642										
Pa-bakata, 3488 ...	789	09	4642										
Angukata, 3489 ...	656	88	4642										
Andhar Manik, 3490.	494	55	4642										
Mathbaria, 3491 ...	684	80	4642										
Mithakhali, 3492	3,919	34	4642										
Chhota Mithuua, 3493.	1,659	24	4642										
Bura Mithuua, 3494.	3,328	26	4642										
Nijamta Ghopkhali, 3497.	4	30	4642										
Botmor Rajpasa, 3499.	703	47	4642										
Onk Sapleja, 3501	452	09	4642										
Chak Nall, 3502 ...	6,388	80	51E										
Ghopkhali ...	245	12	4642										
	4,851	58	51E										
	141	49	4642										
Total ...	84,564	56											
SWARUPKATI.													
Davikar, 814 ...	...	68	1744										
BHANDARIA.													
Onk Baghua, 3229	134	79	4841										
JHALAKATI.													
Kandargati, 2218	...	83	3254										
GRAND TOTAL ...	182,226	16											

(a) Mahal Chak Baghua was omitted by error. The exclusion ordered in Notification No. 347 L.R., dated 14th January 1904, should have been cancelled. A survey and a record were made in this estate by the Sundarban Commissioner in 1857, but not under the Tenancy Act.

(b) The Schillerganj Estate [mahaland lakhira] Nali-Sapleza] was excluded from the operations in Bakarganj by order of Government (No. 319 T.-R., dated 6th June 1902) and by Notification No. 347 L.R., dated 14th January 1904. —

"The Board support the proposal of the Commissioner of Dacca, the Director of Land Records and the Settlement Officer of Bakarganj that Estate schillerganj or Casperabad should be omitted from the survey and settlement operations in progress in that district on the ground that the estate has already been cadastrally surveyed by the officers of the Survey Department employed by the landlords, that the estate is in good order and that there are no disputes. It is further reported that the records were examined in the year 1901 by the Settlement Officer and found to be substantially correct and that the maps were well drawn and accurate.

I am to say that the Lieutenant-Governor is of opinion that it is desirable that Government should recognize a right system of management and the existence of amicable relations of landlords and tenants in a district where confusion and unfriendly relations are the rule. His Honour accordingly agrees with the Board that the estate in question should be exempted from the cadastral survey operations in the district."

Major Orichton's opinion of the survey after personal inspection was that "the maps are in themselves well drawn and as accurate as any prepared by the Survey Department.....we could utilise Mr. Casperaz's traverse data for the standard 1-inch sheets." [To Director of Land Records No. 1030, dated 14th March 1902] Mr. Beatson Bell at the same time inspected the papers of Mr. Casperaz, which consisted of a *khasra* and of *khatians* for all tenants who held direct from the landlords. The *khatians* showed intermediate tenants and *raiyats*. "The *khatians* contained no mention of rent and no copy was in the hands of the tenants. Mr. Casperaz also makes a creditable attempt to keep the record up to date. He registers sales and leases among all grades of tenants as well as mutations. These transactions are drawn up on stamped paper, but not registered." Mr. Beatson Bell's opinion was that "the proceedings were conducted with great care and ability and are by far the best of the kind in the district, if not in the whole province;" but the maps and papers were now ten years old, were not prepared mauza by mauza and had no presumptive legal value as the record-of-rights. Moreover, they did not keep culturable and unculturable land separate, and neither land nor crop statistics could be prepared from them. Mr. Beatson Bell's own idea was to make fresh maps and a fresh record of this estate and to charge a nominal cost to the proprietors and tenants in view of the excellence of the existing papers; but if the only alternative be between entire omission and a new record with a full charge against the landlord and tenants, he was in favour of entire omission with the proviso that a copy of the maps and the record of the estate should be lodged in the Collectorate record-room. [Vide Mr. Beatson Bell's note dated 21st March 1901.]

In the event by the courtesy of Mr. C. P. Casperaz the maps of his estate were carefully copied and Vanoyke reproductions made and placed in the volumes, which have been made over to the Collector for lodgment in his record-room.

No copy of the records has, however, been made, but by a special arrangement, tenure trees have been prepared and statistical information gathered in August and September 1910, by inclusion of which the statistical registers of the district have been made complete.

It may be added that the correspondence embraces a letter to Director of Land Records, dated 15th March 1900, from Mr. C. P. Casperaz, Superintendent of the Estate, which contains a very interesting account of the survey in the estate. The cost of the operations exclusive of the training of Mr. C. P. Casperaz in survey and of his superintendence, came to Rs. 11,000 or about rupee 1 per acre.

(a) Mahal Chak Baghua was omitted by error. The exclusion ordered in Notification No. 347 L.R., dated 14th January 1904, should have been cancelled. A survey and a record were made in this estate by the Sundarban Commissioner in 1897, but not under the Tenancy Act.

(b) The Schillerganj Estate (mahaland lakhiraj Nali-Sapleza) was excluded from the operations in Bakarganj by order of Government (No. 919 T.-R., dated 6th June 1902) and by Notification No. 347 L.R., dated 14th January 1904.

"The Board support the proposal of the Commissioner of Dacca, the Director of Land Records and the Settlement Officer of Bakarganj that Estate Schillerganj or Dasegabad should be omitted from the survey and settlement operations in progress in that district on the ground that the estate has already been cadastrally surveyed by the officers of the Survey Department employed by the landlords, that the estate is in good order and that there are no disputes. It is further reported that the records were examined in the year 1901 by the Settlement Officer and found to be substantially correct and that the maps were well drawn and accurate."

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Major Orichton's opinion of the survey after personal inspection was that "the maps are in themselves well drawn and as accurate as any prepared by the Survey Department....we could utilize Mr. Caspersz's traverse data for the standard 1-inch sheets. [To Director of Land Records' No. 1099, dated 14th March 1902] Mr. Beatson Bell at the same time inspected the papers of Mr. Caspersz, which consisted of a *khasra* and of *khatians* for all tenants who held direct from the landlords. The *khatians* showed intermediate tenants and riyats. "The *khatians* contained no mention of rent and no copy was in the hands of the tenants. Mr. Caspersz also makes a creditable attempt to keep the record up to date. He registers sales and leases among all grades of tenants as well as mutations. These transactions are drawn up on stamped paper, but not registered." Mr. Beatson Bell's opinion was that "the proceedings were conducted with great care and ability and are by far the best of the kind in the district, if not in the whole province;" but the maps and papers were now ten years old, were not prepared mauza by mauza and had no presumptive legal value as the record-of-rights. Moreover, they did not keep cultivable and uncultivable land separate, and neither land nor crop statistics could be prepared from them. Mr. Beatson Bell's own idea was to make fresh maps and a fresh record of this estate and to charge a nominal cost to the proprietors and tenants in view of the excellence of the existing papers; but if the only alternative be between entire omission and a new record with a full charge against the landlord and tenants, he was in favour of entire omission with the proviso that a copy of the maps and the record of the estate should be lodged in the Collector's record-room. [Fide Mr. Beatson Bell's note dated 21st March 1901.]

In the event by the courtesy of Mr. C. P. Caspersz the maps of his estate were carefully copied and Vanocye reproductions made and placed in the volumes, which have been made over to the Collector for lodgment in his record-room.

No copy of the record has, however, been made, but by a special arrangement, tenure trees have been prepared and statistical information gathered in August and September 1910, by inclusion of which the statistical registers of the district have been made complete.

It may be added that the correspondence embraces a letter to Director of Land Records, dated 15th March 1900, from Mr. C. P. Caspersz, Superintendent of the Estate, which contains a very interesting account of the survey in the estate. The cost of the operations exclusive of the training of Mr. C. P. Caspersz in survey and of his superintendence, came to Rs. 11,000 or about rupee 1 per acre.

II.—Areas for which a record-of-rights was prepared, but which were subsequently transferred to other districts.
(See Notification No. 662 R., dated 25th March 1912.)

Thana, mauza name and R. S. No.	Area.		Thana, mauza name and R. S. No.	Area.	
	Acres.	Dec.		Acres.	Dec.
GAURNADI.			MEHENDIGANJ.		
Char Ramjanpur, 598 ...	1,194	25	Char Māndāriā, 1207 ...	Diluviated.	
North Char Āirkāndi, 599 ...	553	93	Char Saulākuri, 1224-25 ...	83	75
South „ „ „ 600 ...	100	79	Char Mājihāri ...	122	62
Char Pālerdi, 601 ...	112	70	Total ...	206	37
Char Kutubpur, 878 ...	40	50			
Char Kayāriā, 1116 ...	281	04			
Rāmārpōl, 382 ...	53	87			
Kayāriā, 1384 ...	959	20			
Total ...	3,296	28	BHOLĀ.		
			Char Falcon, 1579 ...	6,367	80
			Char Jagabandhu ...	3,001	39
			Total ...	9,369	19
SWARUPKĀTI.			GRAND TOTAL		
Char Chingariā, 1848 ...	570	64		13,442	48

III.—Sundarban forest and uninhabited tracts and islands.

Thana, mauza name and R. S. No.	Area of waste land.	Thana, mauza name and R. S. No.	Area of waste land.	Thana, mauza name and R. S. No.	Area of waste land.
MATHURĀRIĀ.		GALACHIPA.		BARĀHANUDDIN.	
* Char Duāni Lāthimārā, 3281.	10,371	† Char Āichā ...	870	Annadā Prasād ...	8,555
		† Āndār Char ...	2,151	Krishna Prasād ...	10,107
		† Char Biswās ...	734	Char Kālī ...	810
		† Char Bhādāi ...	2	Char Udaykāli ...	787
ĀMTALI.		† Burir Char ...	919	Char Rāmkanāi ...	276
* Chhota Bagi, 3346 ...	3,931	† Char Bagālā ...	86	Char Mādrās ...	7,876
* Bara Bagi, 3317 ...	7,906	† Char Jamunā ...	203	Total ...	28,412
* Karaibāriā, 3348 ...	3,807	† Char Gopāl Tulātālī ...	979		
* Kachupātrā, 3349 ...	2,973	Char Hare ...	1,339		
* Chakamaiyā, 3350 ...	3,607	† Char Gābbunīa ...	39		
* Nilganj, 3351 ...	5,505	† Char Kukuri Mukuri ...	7,623		
† Sonātālā, 3352 ...	7,165	† Char Korātiā ...	51		
* Khāprābhāngā, 3353 ...	7,061	† Char Ghuni ...	515	BHOLĀ.	
* Latā Chāpli, 3354 ...	10,653	† Char Mānikā ...	4,683		
* Char Chāpli, 3355 ...	1,560	† Char Pailā ...	2,406	Char Girīs ...	133
* Dhulāsār, 3356 ...	2,615	† Char Nalua ...	602		
† Dalbuganj, 3357 ...	3,278	Total ...	23,202		
* Mithāganj, 3358 ...	6,358				
* Lālūā, 3363 ...	2,316				
* Nisanbāriā, 3364 ...	1,168	MEHENDIGANJ.		BĀUPHAL.	
* Dhankhālī, 3368 ...	2,989	Char Chithaliā ...	234	* Nimdi (island portion) 1876.	879
* South Tiākhālī, 3373 ...	4,439	Char Faulder ...	13,461		
* North Tiākhālī, 3474 ...	1,848	Total ...	3,694	GRAND TOTAL	162,725
* Chhota Nisanbāriā, 3512 ...	4,157				
† Bara Nisanbāriā, 3513 ...	7,071				
† Tengāgiri Chak, 3514 ...	5,624				
Total ...	96,032				

* Area of forest blocks only.

† In the mauzas marked (†) final publication was made of a single khat prepared in the name of the proprietor. In the others no record-of-rights was prepared at all.

APPENDIX C.

1.—DRAFT TENURE KHEWAT.

District Bakarganj.

NAME OF MAUZA & No.			NAME OF THANA & No.			PARGANA.			TAUZI No.			NAME OF ESTATE.			PROPRIETOR OF THE ESTATE.							
SUPERIOR TENURE.			PRESENT RENT.					Special conditions and inci- dents, if any.	THIS TENURE.			LANDS IN IMMEDIATE POSSESSION OF THE TENURE-HOLDERS.										
Khewat No. or sub No.	Description of the tenure and possession.	Proportionate share of the tenure.	According to landlord. (a)	According to tenant. (b)	Ascertained by the Revenue Officer.	Rent how fixed.	Remarks.		Khewat No. or sub.No.	Current name of the tenure and name of each possessor.	Shares.	Subordinate khatians.	Plot No.	Boundaries—	Class of land and No. of kittas.	Area of land in Acres and Dec.				Local measure.	REMARKS.	Subordinate khewats
																Culti- vated.		Uncul- tivated.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	Total rent.													North South East West								

APPENDIX C.

2.—DRAFT RAIYATI KHATIAN.

District Bakarganj.

NAME OF MAUZA AND NO.			NAME OF THANA AND No.			PARGANA.		TAUZI No.		NAME OF ESTATE.		PROPRIETOR OF THE ESTATE.									
LANDLORD (OR RENT RECEIVER).*			PRESENT RENT.			Possessor of this tenancy.	Shares.	Rent how fixed.	Status and, if non-occupancy raiyat, the year of obtaining possession.	Special conditions and incidents, if any.	Plot No.	Boundary.	Class of land and No. of kitta's.	Under-raiyat, if any.	AREA OF LANDS ACRES AND DEC.				Local measure.	REMARKS.	
Khewat No. or sub.No.	Current name of the tenure and possession.	Proportionate share of the tenure.	According to landlord. (a)	According to tenant. (b)	Ascertained by Revenue Officer.										Khatian No.	Cultivated.		Uncultivated.			
																A.	D.	A.			D.
1	2	3	4	5	6	7	8	9	10	11	12	13	14								
Total rent									North												
									South												
									East												
									West												

Name of mauza and No.	Name of thana and No.

Serial number of plot.		Khevat or Khatian No.	Description of the interest and possession (in brief).	Possessor.		Class of land and number of khatse.	Area.	Number of purchase (slips) in which entered.	REMARKS.	Bhadol crop.			Haimantik crop.			Rabi crops.			Other crops.			Dofasli.		Area of uncultivated lands.			Betelnut.	Coconut.	Palm.	Date.	Ramban groves.	Initial of the Inspecting Officer and date.
1	2			A.	D.					Name.	A.	D.	Name.	A.	D.	Name.	A.	D.	Name.	A.	D.	A.	D.	Kind.	A.	D.						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24									



FINAL FORM VII.

SUPERIOR TENURE.		RENT PAYABLE BY THIS TENURE.				THIS TENURE.		PARTICULARS OF LAND OF THIS TENURE.			RENT PAYABLE TO THIS TENURE.				Proportionate share of subordi- nate tenancies appertaining to this tenure.	AREA OF LANDS IN ACRES AND DEC.				Changes in entries, if any, under section 108.			
Khwat No.	Description of the in- terest and possession.	Proportionate share of the tenure.	Existing.		Remarks.	Existing rent how fixed.	New rent, if any, settled under section 104 or 105.	Khwat No.	Description of the in- terest and possession.	Share of each possessor.	Whether this tenure is permanent or not and special conditions and incidents, if any.	Khwat or Khalian No.	Description of the in- terest and possession.	Existing.		Remarks.	New rent, if any, settled under section 104 or 105.	Total.			Culti- vated.		
			Rent.	Cess.										Rent.				Cess.	A.		D.	A.	D.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18						
																		Proportionate land of this tenure.					

APPENDIX C.

5.—FINAL KHATIAN FOR THE LAND IN IMMEDIATE POSSESSION OF THE TENURE-HOLDER.

[CONTINUOUS FORM LODGED IN
COLLECTORATE RECORD-ROOM.]*District Bakarganj.*

FINAL FORM VIII.

Khwat No.	Description of the tenure and possession.	PARTICULARS OF LAND.					Proportionate share of the plot appertain- ing to this tenure.	AREA OF LANDS A & D.				Description of changes in entries, if any, under section 108.
		Plot No.	Boundary.	Class of land and No. of kittas.	Remarks.	Total.		Cultivated.				
						A.		D.	A.	D.		
1	2	3	4	5	6	7	8	9	10			
							Proportionate lands of this tenure.					



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APPENDIX C.

6.—FINAL RAIYATI KHATIAN.

[CONTINUOUS FORM LODGED IN
COLLECTORATE RECORD-ROOM.]*District Bakarganj.*

FINAL FORM X.

SUPERIOR TENURE.			RENT PAYABLE BY THIS HOLDING.			THIS HOLDING.			PARTICULARS OF LAND OF THIS HOLDING.					Proportionate share of the plot appertaining to this holding.	AREA OF LANDS IN ACRES & DEC.				Changes in entries, if any, under section 108.	
Kheval No.	Description of the interest and possession.	Proportionate share of the tenure.	Exist- ing.		New rent, if any, settled under section 104 or 105.	Khatian No.	Description of the interest and possession.	Share of each possessor.	Status, and if non-occupancy raiyat, the year of obtaining possession, special conditions and incidents, if any.	Plot No.	Boundary.	Class of land and No. of kitta's.	Under-raiyat, if any.		Remarks.	Total.		Culti- vated.		
			Rent.	Cess.												Remarks.	Existing rent how fixed.	A		D.	A.	D.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18			
															Proportionate land of this holding.					

APPENDIX C.

7.—FINAL TENURE KHEWAT.

[DISTRIBUTED TO PROPRIETORS
AND TENURE-HOLDERS.]

District Bakarganj.

FINAL FORM I

[illegible]

APPENDIX C.

8.—FINAL RAIYATI KHATAN.

District Bakarganj.

[DISTRIBUTED TO RAIYATS AND
UNDER-RAIYATS.]

FINAL FORM NO. VI.

[illegible]

APPENDIX C.

Form No. 5.

9.—FINAL KHEWAT (PRINTED).

[The entries in this form were printed. Used only in temporarily-settled estates and both lodged in Collectorate and distributed to proprietors and tenure-holders.]

District.
Thana.
Name of Mauza and No.
Pargana.
Tauzi No.
Name of the estate.

Khewat No.
Description of the interest.
Whether this tenure is permanent or not.
Special conditions and incidents, if any.

SUPERIOR TENURE.			RENT PAYABLE.		THIS INTEREST.					
Khewat No.	Description of the interest and abbreviated possession.	Proportionate shares of the tenure.	Revenue settled under Reg. VII of 1882 or rent payable under section 104 of Bengal Tenancy Act.	Cess.	Possession of this interest.	Share of each possessor.	Mutation.			
							Name of out-going tenant.	Share.	Name of in-coming tenant.	Share.
1	2	3	4	5	6	7	8	9	10	11
Remarks	Settlement commences from 1st April. No alteration of rent until further orders.									
Description of changes, if any, under section 104 (G) or 104 (H).										

(Front).

LANDS IN IMMEDIATE POSSESSION.									
PARTICULARS OF LAND.					Proportionate share of the plots appertaining to this tenure.	AREA IN ACRES.			
Plot No.	North boundary.	Class of land and number of kitta's.	Remarks.	Total area.		Proportionate land of this tenure.			
						Acres.	Dec.	Acres.	Dec.
1	2	3	4	5	6	7	8	9	
STITH.									
PARTICULARS OF LANDS OF THIS TENURE.		RENT PAYABLE TO THIS TENURE UNDER SECTION 104.			Proportionate share of subordinate tenancies appertaining to this tenure.	AREA OF LANDS IN ACRES AND DEC.			
Khewat or Khatian No.	Description of interest and possession.	Rent.	Cess.	Remarks.		Total area.		Proportionate land of this tenure.	
						A.	D.	A.	D.
1	2	3	4	5	6	7	8	9	10
Description of changes in entries, if any, under section 104 (G) or 104 (H).									

(Back).

APPENDIX D.

LIST OF OFFICERS EMPLOYED IN BAKARGANJ SETTLEMENT OPERATIONS.

I.—Of Indian Civil Service.

NAME.	Designation.	PERIOD OF EMPLOYMENT.		
		From	To	Total.
1. N. D. Beaton Bell ...	S. O. ...	23-11-1900	25-3-1905	Y. M. 4 4
2. J. C. Jack ...	A. S. O. ...	1-12-1901	28-6-1902	} 2 1
		21-11-1902	29-6-1903	
		6-11-1903	25-3-1905	} 5
		26-3-1905	5-5-1908	
		19-11-1908	10-4-1911	} 0 6
		6-5-1908	18-11-1908	
3. H. K. Briscoe ...	S. O. ...	13-1-1905	18-6-1905	0 5
4. J. D. Sifton ...	A. S. O. ...	19-10-1905	19-6-1906	0 8
5. J. A. Milligan ...	Ditto ...	28-10-1905	3-1-1906	0 2
6. C. Tindall ...	Ditto ...			

II.—Of the Provincial Civil Service and Subordinate Civil Service, with power of an Assistant Settlement Officer.

NAME.	Duties.	PERIOD OF EMPLOYMENT.			NAME.	Duties.	PERIOD OF EMPLOYMENT.		
		From	To	Total.			From	To	Total.
1. Rai P. M. Basu Bahadur, P. C. S.	Supervision at head-quarters and case work.	2-1-1900	30-3-1908	Y. M. 8 3	21. Abani Ch. Chatterji, S. C. S.	J. ...	1-11-1905	15-9-1909	3 9
2. Jnanendra Nath Ray, P. C. S.	K. T. A. O. C.	1-7-1901 20-8-1904 3-6-1908	21-6-1904 4-8-1906 15-10-1908	} 5 5	22. Ahamed Ali, S. C. S.	A. ...	15-11-1904	27-6-1905	0 7
3. O. W. Hodson, P. C. S.	K. T. A. O.	3-1-1904	17-9-1906	2 8	23. Mon Mohon Mukherji, S. C. S.	A. ...	1-11-1904	11-1-1905	0 2
4. Hara Kisore Biswas, P. C. S.	T. A. O. J. R. C.	24-1-1905	30-11-1910	5 10	24. Saleh Ahamed, S. C. S.	A. ...	30-10-1904	30-6-1905	0 8
5. Mathura Nath Banerji, P. C. S.	K. T. A. O.	24-11-1902 24-10-1903 3-8-1905 10-9-1905	18-7-1903 15-7-1905 5-9-1905 5-10-1906	} 3 6	25. Debendra N. Basu, S. C. S.	K. A. ...	30-3-1903	23-6-1903	0 2½
6. Jogesh Chandra Dutta, P. C. S.	K. T. A. O.	1-7-1901 23-10-1903	22-7-1905 30-10-1904		26. Satish Chandra Guha, S. C. S.	A. ...	6-4-1903	10-7-1903	0 3
7. Khan Bahadur A. Momin, P. C. S.	K. T. A. O. C.	1-7-1901 24-9-1902 19-8-1905	16-7-1902 1-6-1905 22-12-1905	} 3 8½	27. Sarat Ch. Chatterji, S. C. S.	K. T. ...	17-10-1901	30-6-1902	0 8
8. Abdul Aziz, P. C. S. ...	A. O.	4-11-1902	5-1-1905	2 2	28. Surendra Nath Dutta, S. C. S.	R. ...	1-11-1905	19-12-1905	0 1½
9. Muhammad Mamud, P. C. S.	C.	11-8-1909	15-10-1909	0 8	29. Brojo Nath Ray, S. C. S.	C. ...	4-11-1908	15-9-1909	0 10
10. Atul Chandra Guha, P. C. S.	C.	12-10-1908	15-9-1909	0 11	30. Chandra K. Sen Gupta, S. C. S.	C. ...	9-5-1905	28-6-1905	0 1½
11. Bisweswar Bhatia-charji, P. C. S.	R. C.	12-10-1908	15-9-1909	0 11	31. Sital Chandra Chatterji, S. C. S.	O. ...	21-7-1905	15-9-1906	1 0
12. Khirud Lal Mukherji, P. C. S.	C.	6-11-1905	29-12-1905	0 1½	32. Prof. Ch. Gupta, S. C. S.	O. ...	21-7-1905	5-8-1906	0 11
13. Subodh Chandra Ray, P. C. S.	C.	7-11-1905 12-6-1908	18-12-1905 28-9-1908	} 0 5	33. Hamidur Rahman, S. C. S.	A. ...	28-6-1906	1-11-1906	0 5
14. Abdul Rahaman, S. C. S.	A.	21-7-1905	17-7-1906	1 0	34. Amjad Ali, S. C. S. ...	A. ...	19-1-1907	2-11-1907	0 9
15. Kunja Lal Ghose, S. C. S.	A. O. C.	8-11-1902 15-9-1903 6-11-1904 5-10-1906 4-8-1908	24-7-1903 22-2-1904 16-4-1906 18-11-1907 15-9-1909	} 5 0	35. Satish Ch. Basu, P. C. S.	C. ...	30-10-1905	30-4-1906	0 6
16. R. K. Goswami, S. C. S.	K. T. A. O. C.	1-11-1902 11-9-1904 1-11-1905 4-3-1908	21-6-1904 28-6-1905 25-11-1907 8-9-1909		36. Gopal Das Ghose, P. C. S.	C. ...	"	"	0 6
17. H. K. Das Gupta, S. C. S.	K. A. O. J.	11-11-1902 17-9-1903 16-10-1905 1-11-1908	31-7-1903 24-7-1905 9-7-1906 15-9-1909	} 4 3	37. Hem Ch. Mitta, P. C. S.	C. ...	6-4-1909	12-10-1909	0 7
18. Jnanada Prosad Ghose, S. C. S.	A. O.	7-11-1902 25-10-1903 1-11-1904	24-7-1903 30-6-1904 16-1-1905		38. Hari Jibon Banerji, P. J. S.	C. ...	12-6-1909	12-10-1909	0 4
19. Syama Charan Sen, S. C. S.	A. O. J.	26-11-1903	31-10-1905	1 11	39. Jadu Nath Mazumdar, P. J. S.	C. ...	10-6-1909	"	0 4
20. Madhu Sudan Das, P. C. S.	C.	4-6-1909	15-10-1909	0 4	40. Mohendra Nath Das, P. J. S.	C. ...	23-6-1909	"	0 3½
					41. Atul Chandra Das Gupta, P. J. S.	C. ...	"	"	0 3
					42. Anango Mohan Lahiri, P. J. S.	C. ...	24-6-1909	"	0 3
					43. Srish Kumar Shome, P. J. S.	C. ...	20-3-1909	"	0 5½
					44. Saroda Kumar Sen Gupta, P. J. S.	A. O. C.	31-10-1905 30-6-1908	22-5-1906 28-9-1908	} 0 9
					45. Suresh Ch. Sen, P. J. S.	A. C. ...	31-10-1905 1-5-1908	30-4-1906 25-9-1908	

ABBREVIATIONS

Khanapuri—K. | Tenure tree—T. | Attestation—A. | Objection—O. | Jama'andi—J. | Case work—C. | Recovery—R.
P P

III—Of Revenue Officers.

NAME.	Duties.	PERIOD OF EMPLOYMENT.			NAME.	Duties.	PERIOD OF EMPLOYMENT.		
		From	To	Total.			From	To	Total.
				Y. M.					Y. M.
1. Hara Krishna Biswas	A.	5-1-1904	23-1-1905	1 5	16. Nibaran Chandra Das Gupta,	A.	7-11-1905	4-5-1907	1 6
2. Sukumar Sen	R.	1-9-1906	22-10-1906	0 1½					
3. Upendra Mohan Basu	R.	1-5-1906	31-8-1907	1 4	17. Prio Nath Das	A. R.	1-12-1904	31-5-1905	} 1 9
4. Srish Ch. Basu	R.	14-1-1906	16-2-1907	1 1			27-12-1905	31-3-1906	
5. Atul Kumar Datta	A.	22-12-1902	24-11-1903	0 11			1 5-1906	6-5-1907	
6. Sital Chandra Chatterjee,	A. O.	1-4-1903	20 7-1905	2 4	18. Abdur Rahman	A.	1-12-1904	20-7-1905	0 8
7. Profulla Ch. Gupta	A. O.	1-4-1903	20-7-1905	2 4	19. Sreedhar Mazumdar	A.	7-11-1905	31-10-1906	1 0
8. Aziz Meser	A.	22-4-1906	31-11-1906	0 8	20. Kali Pada Maitra	A.	17-11-1905	6-1-1907	1 7
9. Sudhir Chandra Ghose	A.	6-11-1903	31-10-1906	3 0	21. Madhu Sudan Das	A.	1-11-1906	31-10-1906	1 0
10. Rajani Kanta Gupta	A.	7-7-1904	5-2-1907	2 7	22. Prio Nath Datta	A. R.	19-11-1905	11-5-1907	1 6
11. Janaki Bhusan Singha	A. R.	12-4-1905	31-10-1906	2 2	23. B. W. Von Morda	K. A.	16-10-1905	30-6-1906	0 8
12. Bai Charan Paul	A.	12-4-1905	31-1-1905	0 6	24. Amjed Ali	A.	7-11-1905	18-1-1907	1 2
13. Ratan Lal Das Gupta	A. R.	16-10-1905	25-12-1907	2 2	25. B. N. Das Gupta	R.	24-4-1906	21-11-1906	0 7
14. Mutasembilla	R.	1-12-1904	27-8-1906	1 9	26. Hamidar Bahaman	A.	8-12-1905	27-6-1906	0 7
15. Kshiti Nath Ghose	A.	4-2-1905	31-10-1906	1 7	27. Nilmani Mukherjee	Survey Adviser.	21-10-1905	28-12-1905	0 2
					28. Mushrafula	R.	15-12-1907	6-4-1908	0 3½



IV—Of Kanungos.

NAME.	Period.	NAME.	Period.	NAME.	Period.
	Y. M.		Y. M.		Y. M.
1. Har Kisore Biswas	0 6	18. A. Rahman	1 0	36. Suresh Ch. Ghose	0 3
2. Sirish Ch. Basu	4 3	19. R. N. Rakshit	1 9	36. Daliluddin Ahmed	0 1
3. Atul Kumar Datta	1 6	20. P. C. Sen	1 3	37. Upendra Nath Mukherji	0 1
4. Sital Chandra Chatterji	1 9	21. Jalil Khan	1 6	38. Mohim Ch. Choudhary	0 2
5. Profulla Chandra Gupta	1 6	22. Sridhar Mazumdar	0 6	39. Mahiuddin	0 6
6. Mathura Nath Datta	...	23. S. N. Sen Gupta	1 6	40. Monmohan Datta	0 4
7. Aziz Meser	2 3	24. Kali Pada Maitra	0 6	41. Madhu Sudan Gupta	1 0
8. Sudir Ch. Ghose	1 6	25. Nuruddin Ahamed	1 0	42. Sunil Kumar Chatterjee	0 6
9. Rajani Kanta Gupta	3 0	26. Chinta Hiran Das Gupta	2 0	43. Charu Chandra Ray	0 3
10. Janaki Bhusan Singha	2 9	27. Madhu Sudan Das	0 6	44. Amjed Ali	0 4
11. Bai Charan Paul	3 6	28. Prio Nath Datta	0 6	45. B. N. Das Gupta	0 9
12. Ratan Lal Das Gupta	2 3	29. Hira Lal Sen	0 9	46. H. Rahman	0 9
13. Anath Bandhu Chatterji	5 6	30. Kamini Mohan Datta	1 6	47. Kamudini Kanta Ganguli	0 1
14. Mutasembilla	1 0	31. Badaruddin Ahamed	...	48. Upendra Kumar Mukharjee	0 2
15. Kshiti Nath Ghose	2 0	32. Razlar Rahman	...	49. Maminuddin	0 6
16. Nibaran Ch. Das Gupta	1 0	33. Mushrafula	...	50. Girish Chandra Chakravarty	0 6
17. Prio Nath Das	1 3	34. Sidheswar Haldar	...	51. Barkatulla	0 6

APPENDIX E.

RULES FOR THE PREPARATION OF TENURE TREES AND TENURE KHEWATS.

[Rules concerning camp organization have been omitted.]

PRELIMINARY.

PART I—KHEWAT WRITING.

6. This work must be done in the mauzā to which it relates. The only exception is that the upper grades of absentee proprietors or tenure-holders may be dealt with where most convenient. The Settlement Officer will pass no Draft Tree which has been prepared outside the mauzā.

7. Parganās, estates and groups of estates must be dealt with according to their natural and historical divisions. Collectorate tanzi numbers are noted in the headings only to give additional clearness to the division. Collectorate separate accounts need not be considered during tenure tree and khānāpuri work. These separate accounts will be duly entered in the khewats during attestation.

8. The officer will work systematically through each distinct group of tenures in the mauzā.

9. It is of the utmost importance to see that the same hakiat is not recorded more than once. The “sthit” of two shareholders in what was originally one superior hakiat should be compared with the greatest care. The shareholders may assert that their lands are separate although their subordinate hakiats, disguised under different “mudāfats”, are identical. The bare statement of the subordinate hakiatdārs should not be taken as conclusive. If they assert that the lands of the superior shareholders within their hakaitis are separate, they should be asked to point them out. As the work is being done in the mauzā they can easily do so if their statement be correct. The dākhilās of the raiyats and the statement of the raiyats will often show how the matter really stands. Tenure Tree Officers will incur grave responsibility if they fail to “piece together” joint hakiats put forward separately by different shareholders.

10. Each shareholder or group of shareholders in an estate or tenure who keeps a separate set of collection registers or who has leased out his land to a separate tenant or tenants should be embodied in a separate khewat. If this shareholder or group of shareholders receives a separate dākhilā in respect of his share from all the superior landlords, he should be given a full number; otherwise he should be given a sub-number only. In either case he will receive a separate compartment in the Tree. Each natural division of an estate (*see* Rule 7) will receive a separate compartment and a full number irrespective of the existence or extent of Collectorate separate accounts.

In the case of tenure-holders who have no tenants of any kind subordinate to them sub-numbers need not be adopted. The separate possession of the shareholders will be noted in due course in the remark column of their plots, as in the case of raiyats.

11. When the officer has fully satisfied himself that a new tenure which has come to light is a true khānāpuri entity—that it is not liable to amalgamation under Rule 9 or to subdivision under Rule 10—he will insert it in his rough notes and immediately prepare its khewat either by his own hand or by a muharrir working under his dictation.

13. The shares in the sub-column of column 5 may come to 16 annas or to the “name-fraction” according as the practice prevails among the parties. Thus, if “Hāolā Ram Lal Basu, 7 annas” receive a separate khewat the total of the shares in the sub-column of column 5 may be either 16 annas or 7 annas according to the practice of the parties.

On the other hand, the total of the “paraspar amsa” in the sub-column of column 2 must always come to 16 annas, whatever be the practice of the parties. Thus, if Hāolā Karimuddin fall under 9 annas of Taluk Samsher, the 9 annas being composed of a 6 annas share and a 3 annas share making separate collections then the entries for “paraspar amsa” in column 2 of the Hāolā’s Khewat must not be 6 annas and 3 annas but 10—13—1—1 and 5—6—2—2. The Assistant Settlement Officers or Kanungos must make a point of recording the “paraspar amsa” correctly in every case at once.

14. In all cases the fractional notation of annas, gandās, karās, krāntis and tils should be adopted. No fraction below a til, and no miscellaneous notation such as “jabs,” “dantis” etc., should be allowed. This rule applies even in the case of estates. It cannot be departed from without special permission of the Settlement Officer.

16. The “names of the estate” should be ascertained from kabuliyats, dākhilās and zamindari papers. If the name be incorrect in the estate register, it should be at once

corrected. We have to deal with two main classes of estates, namely zamindaries and khārijā taluks.

- (i) Zamindaries sometimes have, and sometimes have not, distinctive names apart from the name of the parganā; for example the zamindari of parganā Aurangpur goes by the name of Jānaki Ballabh Rai, whereas the zamindari of parganā Chandradwip has no name apart from that of the parganā. The following cases arise in regard to zamindaries—

- (a) If the estate in question consists of a fraction of a parganā this fraction should appear in the heading against “name of estate”, the specific name of (if any) of the zamindari being entered as well as the fraction. Examples—
- | | |
|--------------------------|---|
| { Parganā—Chandradwip. | { Parganā—Aurangpur. |
| { Estate—Hissā 1-17-1-2. | { Estate—Zamindari Jānaki Ballabh Rai, hissa 1-6-2-2. |

- (b) When two or more Tauzis of the above description occur in the same khewat the “name of estate” should consist of the total of the shares, provided that this total constitutes a well known historical division. Example—

Parganā—Salimābād
Tauzi numbers—3842—3845.
Estate—Hissā 2-17-2

- (c) But when the connection between the fractional Tauzis is accidental, and no well known historical division of the parganā is formed by the combination of fractions, each estate concerned should be separately noted. Example—

Parganā—Chandradwip.	Tauzi Numbers—1720
Estates—Hissā 8-12-2-2	1721 }
Hissā 5 10.	1722 }

In this case it would be wrong to write “Hissā 14-2-2” as the name of the group of estates. The public never use this expression.

- (d) When the khewat falls under the 16 annas of a parganā which is made up of fractional Tauzis, the entries should stand thus—

{ Parganā—Chandradwip.	{ Parganā—Aurangpur.
{ Tauzi numbers—1720—1723.	{ Tauzi numbers—3036, 6455—6462.
{ Estates—16 annas.	{ Estates—16 annas Zamindari Jānaki Ballabh Rai.

- (e) In the case of parganās which are still intact the entries should stand—

{ Parganā—Idilpur.
{ Tauzi number—3872.
{ Estate—Zamindari Idilpur.

- (ii) Turning to khārijā taluks, it will generally be found that each such taluk has a specific name. When the khewat falls under several khārijā taluks they should all be entered in the Headings. If, however, there are more than three khārijā taluks concerned it will suffice to enter all the Tauzi numbers, and to write the name of one taluk with the word “etc.”

- (iii) In regard to the heading for “name of malik” the system should be analogous to that adopted for “name of estate.” That is to say, when the estates have been noted individually there should be a proprietor’s name against each estate; but when the estates have been noted as group it will suffice to enter the name of one proprietor, with the word “etc.”

17. In the case of proprietary khewats the name and share of the estate or khārijā taluk should be written in column 5 just as in the case of subordinate tenures. Thus, “zamindari Jānaki Ballabh Rai, hissa 1-6-2-2” or “taluk Mahomed Hāyāt, hissa 5-15.” In these examples the parties treat the old undivided zamindari or khārijā taluk as the unit. On the other hand, if the parties invariably treat a certain fraction as 16 annas the entry in column 5 should stand thus—zamindari Chandradwip, hissa: $\frac{8-12-2-2}{1-10}$.

When the estate has no name except the name of the mouzā or char concerned the entry in column 5 should run “Mahāl Char Lakhi, dakhāl amuk.” This will often happen in khās mahāls, in which the possessor will be “Bhārat Samrāt.”

* * * * *

24B. (i) When an estate or tenure exists in more than one mouzā the khewat and parchās should be written in full in the mouzā in which the revenue or rent due from this estate or tenure will ultimately be recorded. In all other mouzās in which this estate or tenure occurs the khewat and parchā will both be written in abbreviated form. It is very important that the same hakiat should be uniformly described and if divided into portions uniformly divided wherever it occurs.

24C. With the previous sanction of the Settlement Officer a group of two or more estates may be treated as one estate, both in the tree and in the khewats. The essential condition for such amalgamation are (i) identity of ownership, (ii) identity of subletting, (iii) uniform joint possession in every mouzā, and (iv) the invariable use of single dākhilās, and a single set of accounts for the entire group. In fact, the group must for all mufassal purposes constitute one estate. All the Tauzi numbers must, however, be entered in the tree and in the headings of the khewats. In due course the individual land revenues will be noted at attestation.

PART II.

THE DRAFT TENURE TREE.

25. When the Officer has completed, in the Mouzā, his Rough Notes and his file of Khewats and Parchās he will proceed to prepare a Draft Tree for the approval of the Settlement Officer.

26. The body of each occupied compartment in the Draft Tree should be divided into two portions horizontally. In the upper portion will be written in Bengali the description of the interest concerned. In the lower portion will be written in ink the page number or sub-number of the interest. Nothing will be written now in the "cap" of any compartment. The cap is reserved for the final numbering.

27. Within each Parganā the estates should be arranged as far as possible so that the estate with the lowest Tauzi number comes first, then the estate with the next lowest Tauzi number—and so on. This arrangement must of course be departed from when estates with divergent Tauzi numbers give out a joint issue or are otherwise logically connected with one another. The Tauzi number of each estate will be noted above it, not in the body of the compartment.

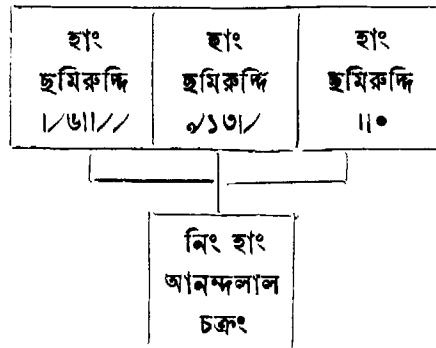
28. An effort should be made to keep upon the same page or set of pages all the tenures which fall within the same estate, group of estates, or large tenure.

29. The following structural rules must be carefully observed :—

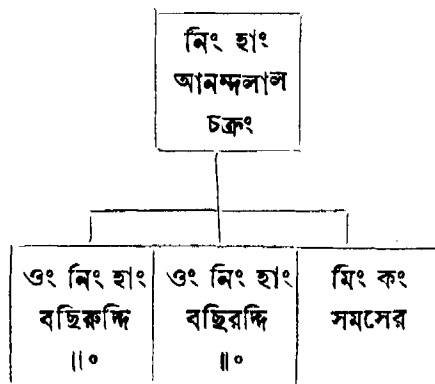
(i) When the superior Hakiat has given out only one inferior Hakiat, a straight line will be drawn from the base of the superior compartment to the top of the inferior compartment : thus—



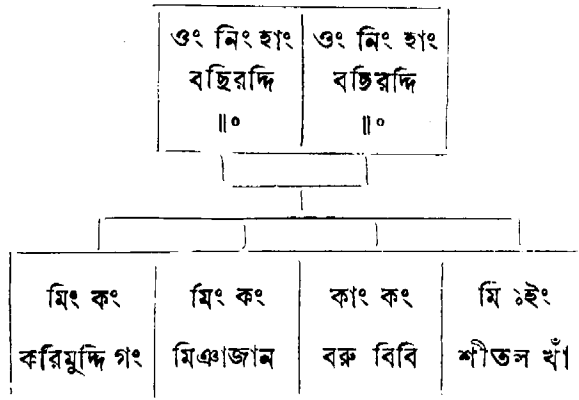
(ii) When several superior Hakiats give out jointly one inferior Hakiat they will be united by a horizontal clasp which will be connected by a straight line with the top of the inferior Hakiat : thus—



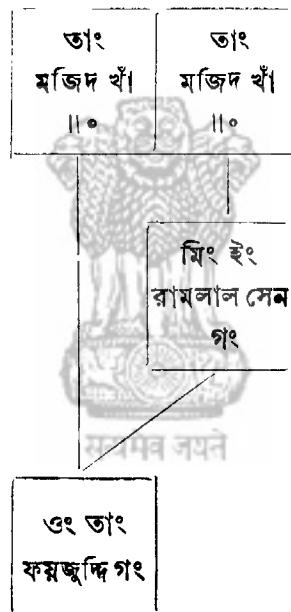
(iii) When one superior Hakiat gives out several inferior Hakiats the reverse of (ii) takes place : thus—



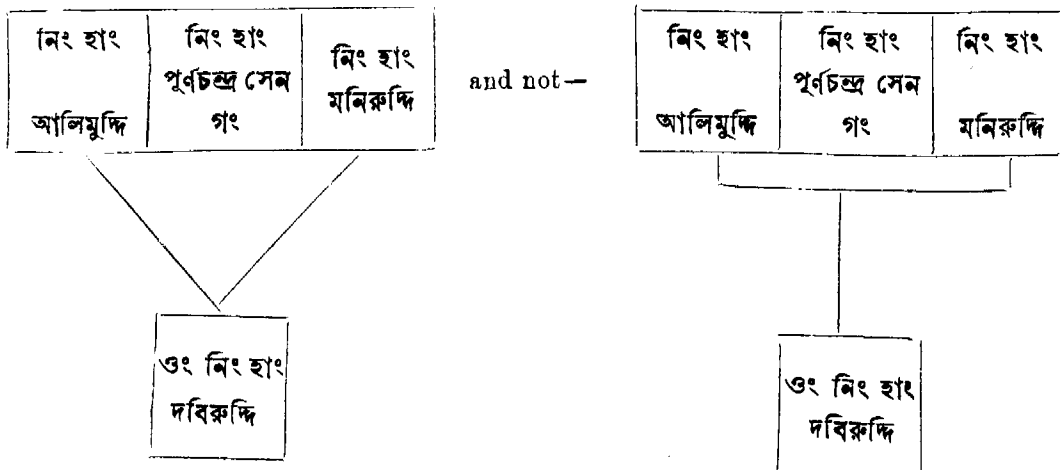
(iv) When several superior Hakiats give out jointly several inferior Hakiats a combination of (ii) and (iii) takes place : thus—



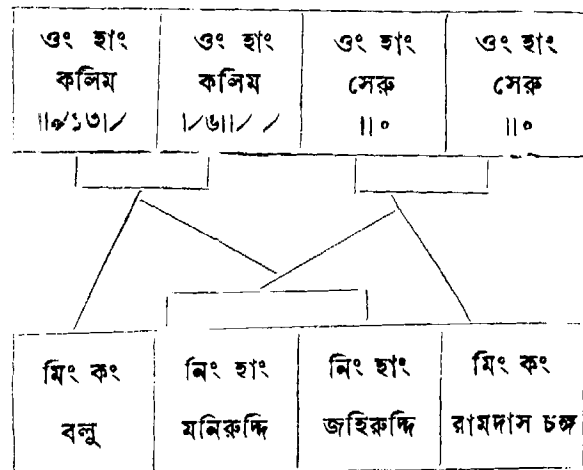
(v) Instead of a clasp it is sometimes more convenient to draw separate connecting lines, thus—



N. B.—Clasps should be avoided and separate connecting lines should be adopted whenever a clasp would shut in a compartment which has no connection with the issue in question for example—

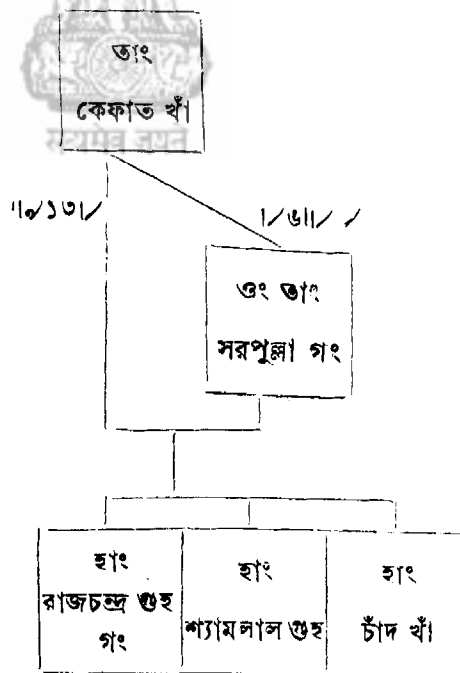


(vi) Clasps below clasps or clasps above clasps should be avoided. A separate connecting line should be drawn to each clasp: thus—



(vii) Connecting lines must be straight, not curved or graduated.

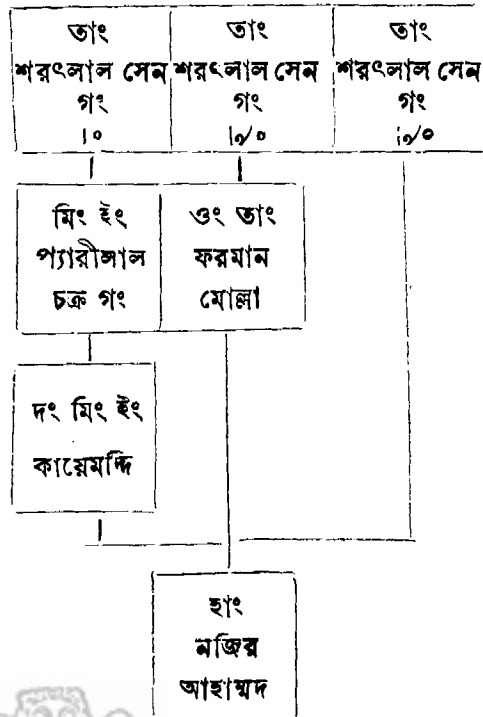
(viii) When a fractional part of a Hakiat has been let out, the extent of the fraction should be written along the connecting line for the convenience of the amin making out the "paraspar amsa" in Ryoti Purchase: thus—



N. B.—This rule does not refer to a fraction which has received a subnumber. Such fraction will receive a separate compartment and be dealt with exactly like a separate Hakiat.

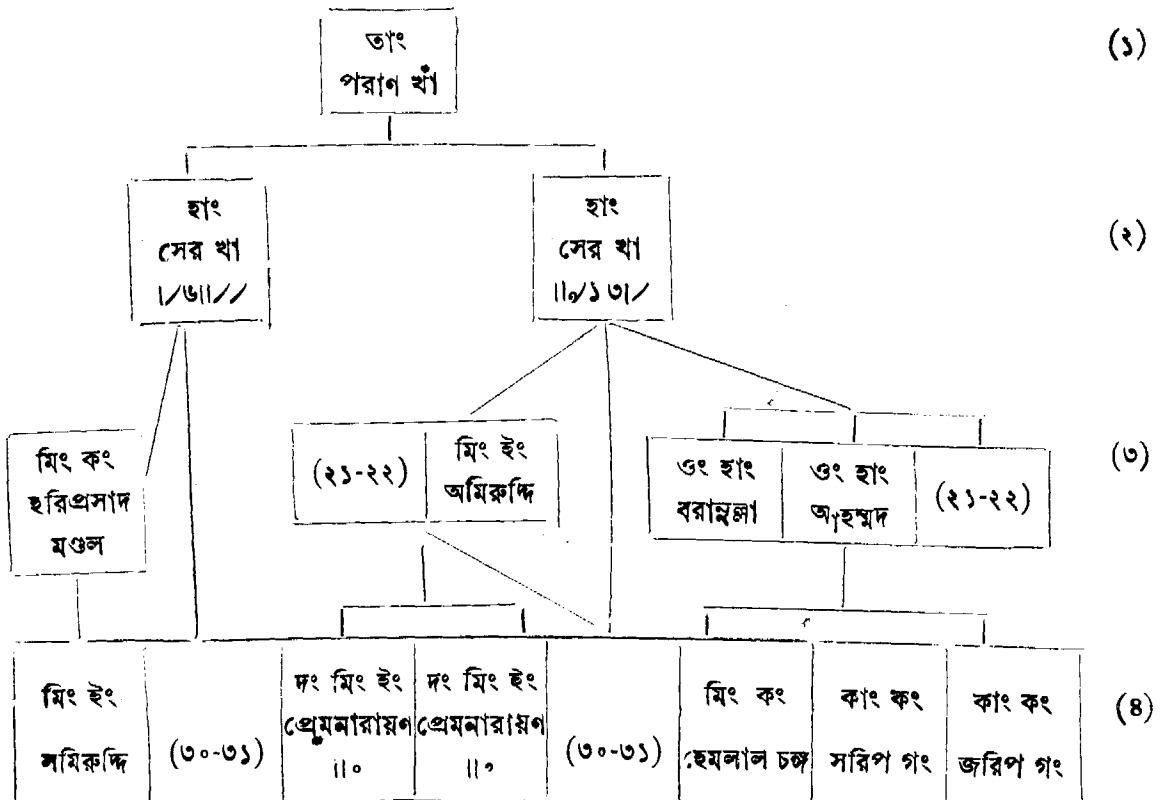
(ix) A Hakiat may be in one grade according to one branch of its parentage, in another grade according to another branch of its parentage. It will be shown in

the lowest of its grades and the connecting lines in the other branches will be prolonged as far as necessary : thus—

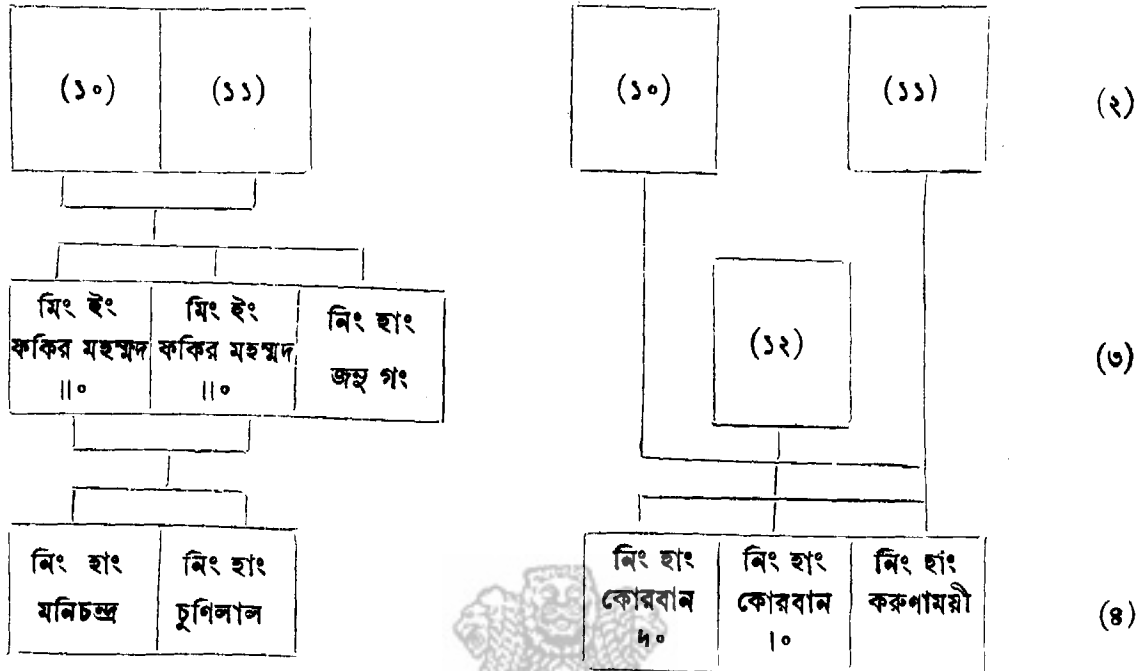


(x) The connecting lines between a superior Hakiat and an inferior Hakiat must never cross one another.

(xi) Owing to want of space horizontally or vertically or to the operation of clause (x), it will often be impossible to show the entire issue of a Hakiat or group of Hakiats at the natural place. It will sometimes be impossible to show any part of such issue at the natural place. In either case a vacant compartment should be selected in the grade to which the omitted Hakiats naturally belong. This compartment should be connected with the superior Hakiat or Hakiats in the usual way. The body of the compartment will contain (in brackets) the page numbers of the omitted Hakiats. These numbers will be in pencil. The body of this compartment will not be horizontally divided under Rule 26: thus—



(xii) Hakiats omitted under clause (xii) will be shown either on a separate page or in an "island" in the same page. On the new page or in the "island" the page numbers of the superior Hakiats will be placed in pencil in vacant undivided compartments, the names of the superior Hakiats not being repeated. These compartments will be in grades relatively corresponding to the respective grades of the superior Hakiats. No grades higher than the grades immediately concerned should be shown on the new page or in the "island". The omitted Hakiats will be connected in the usual way with the compartments in which the page numbers of the superior Hakiats have been placed: thus—



(xiii) Cross references must invariably be complete—a forward reference under clause (xi) and a back reference under clause (xii). A back reference without a forward reference may cause very serious mistakes hereafter.

(xiv) Grades will be serially numbered in the margins. All islands must reach to the margin, right or left, in at least one grade: otherwise the grades in an island cannot be ascertained, for it is not permitted to note grade numbers in the body of the Tree. If at least one grade of an island be duly numbered, the numbers of the other grades can be inferred.

(xv) The pages of the Tree must be serially numbered.

32. The Draft Tree prepared according to the clauses of last rule will be submitted without delay to the Settlement Officer.

PART III.

THE FINAL TENURE TREE.

33. When the Draft Tree is received back from the Settlement Officer, the officer who prepared it will first carry out any amendments which the Settlement Officer has directed.

34. He will then proceed to affix in the "caps" the final numbers and subnumbers. He will invariably do this with his own hand, in ink.

35. Government as Paramount Power is always No. 0, but there will be no compartment for No. 0 in the Tree, and no Khewat for No. 0 in the file.

36. The general rule for numbering is as follows:—Begin at the top left hand corner of the first page and number from left to right, omitting islands, till the bottom right hand corner is reached. Then take up each island on page I and deal with it similarly. Then take up the second page in the same way and so on till the pages are all disposed of. As however it is very important to keep an unbroken serial for each estate or large tenure, the general rule must be modified in many cases:—

(i) Each estate should be treated as a quasi-island for the purpose of numbering. The same applies to large tenures. It is wrong to mark the quasi-islands on the Tree.

(ii) When by so doing the continuity of a serial will remain unbroken, an island should be numbered as if it were part of the mainland.

37. The cross reference numbers—see Rule 31 (xi) and (xii)—which have hitherto been in pencil, representing the page numbers of the Hakiats in question will now be replaced by ink numbers representing the final numbers of those Hakiats.

41. When the Draft Tree has been finally numbered it will be made over to a Fair Tree Drawer at the central camp of the charge. He will first make an exact copy of the Draft Tree on a cloth-backed form or forms. He will place the final numbers in the caps of the Fair Tree and he will horizontally divide the bodies of the occupied compartments as in the Draft Tree; but he will first leave blank the lower portions of the divided compartments.

45. Each fair copy of the Tree will be signed by the Officer who prepared the draft. He will carefully compare the fair copy with the draft before he affixes his signature. He will also test the entries of possession in the Tree to see that they coincide with the Khewats.

53. If any new Hakiat comes to light after a Mouza has been finally numbered it should be inserted in the Tree in its proper place with an "alphabetical" number. The Khewat should be inserted in the volume at its proper place.

ADDENDUM No. I—TREATMENT OF TEMPORARILY SETTLED PRIVATE ESTATES.

57. (1) A good deal of difficulty is felt at various stages in preparing a correct record of rights in temporarily-settled private estates. It has therefore been found advisable to give complete instructions at the Tenure Tree stage.

We shall find four distinct classes of settlement—

- A. When the estate has been settled with all the proprietors.
- B. When the estate has been settled with one or more of the proprietors, but not with all the proprietors.
- C. When the estate has been farmed to an outsider or outsiders.
- D. When the estate is being managed khas by Government.

(6) The Tenure Tree should be prepared on the same lines as those adopted in Collector's Register D. That is to say, we should show only one grade in cases A and D of sub-rule 4, and two grades in cases B and C of sub-rule 4. Let us assume in case B that Rām Chandra Ghose has proved recusant and that Shām Chandra Ghose and Kālā Chand Ghose have accepted settlement. Let us also assume that in case C the outside farmers are Karimulla and Faizulla, brothers, with equal shares. The Tenure Tree will stand as follows—

Case A	Case B	Case C	Case D												
<table><tr><td>১</td></tr><tr><td>মহাল চর রামপুর</td></tr><tr><td>দং রামচন্দ্র ঘোষ গং</td></tr></table>	১	মহাল চর রামপুর	দং রামচন্দ্র ঘোষ গং	<table><tr><td>১</td></tr><tr><td>মহাল চর রামপুর</td></tr><tr><td>দং রামচন্দ্র ঘোষ গং পক্ষে ভারত সত্ৰাট</td></tr></table>	১	মহাল চর রামপুর	দং রামচন্দ্র ঘোষ গং পক্ষে ভারত সত্ৰাট	<table><tr><td>১</td></tr><tr><td>মহাল চর রামপুর</td></tr><tr><td>দং রামচন্দ্র ঘোষ গং পক্ষে ভারত সত্ৰাট</td></tr></table>	১	মহাল চর রামপুর	দং রামচন্দ্র ঘোষ গং পক্ষে ভারত সত্ৰাট	<table><tr><td>১</td></tr><tr><td>মহাল চর রামপুর</td></tr><tr><td>দং রামচন্দ্র ঘোষ গং তং ভারত সত্ৰাট</td></tr></table>	১	মহাল চর রামপুর	দং রামচন্দ্র ঘোষ গং তং ভারত সত্ৰাট
১															
মহাল চর রামপুর															
দং রামচন্দ্র ঘোষ গং															
১															
মহাল চর রামপুর															
দং রামচন্দ্র ঘোষ গং পক্ষে ভারত সত্ৰাট															
১															
মহাল চর রামপুর															
দং রামচন্দ্র ঘোষ গং পক্ষে ভারত সত্ৰাট															
১															
মহাল চর রামপুর															
দং রামচন্দ্র ঘোষ গং তং ভারত সত্ৰাট															
	<table><tr><td>২</td></tr><tr><td>ম্যাদী মালিকী বন্দোবস্ত শ্যামচন্দ্র ঘোষ গং</td></tr><tr><td>খোদ।</td></tr></table>	২	ম্যাদী মালিকী বন্দোবস্ত শ্যামচন্দ্র ঘোষ গং	খোদ।	<table><tr><td>২</td></tr><tr><td>ইজারা করিমুল্লা গং</td></tr><tr><td>খোদ</td></tr></table>	২	ইজারা করিমুল্লা গং	খোদ							
২															
ম্যাদী মালিকী বন্দোবস্ত শ্যামচন্দ্র ঘোষ গং															
খোদ।															
২															
ইজারা করিমুল্লা গং															
খোদ															

(7) The Khewats will of course be prepared in each case so as to conform with the Tenure Tree. In Khewat No. 1 of cases B, C, and D, column 5 should stand—

মহাল চর রামপুর মহাল চর রামপুর
দখল রামচন্দ্র ঘোষ গং or দখল রামচন্দ্র ঘোষ গং as the case may be.
পক্ষে ভারত সত্ৰাট। তহশীল ভারত সত্ৰাট।

This should always be a single Khewat, just as it is a single compartment of the Tree. It is in material whether the three shareholders make joint or separate collections in other estates. Note also in cases B and C that unless the Collector has allowed the shareholders to open separate accounts their Khewats receive only sub-numbers. In case A each shareholder who makes separate collections will receive a full number according to the usual system—see Rule 10.

The following entries should be made at Attestation :—

Case A. In Khewat No. 1 enter Rs. 70/- in column 3 and enter in the remark column “সন ১৩০৬ হইতে ১৩১৫ পর্যন্ত সকল মালিকানের সঙ্গে ম্যাদী বন্দোবস্ত” There will be no entry in column 8.

Case B. In Khewat No. 1 there should be no entry in column 3, but in the remark column there should be an entry “অত্র মহালের রাজস্ব ২নং খেবটভুক্ত”. In column 8 the entry should be “সন ১৩০৬ হইতে ১৩১৫ পর্যন্ত যে যে মালিকানের সঙ্গে ম্যাদী বন্দোবস্ত চলিতেছে সে মালিকানের পৃথক খেবট (২নং) হইয়াছে।”

In Khewat No. 2 enter Rs. 70/- in column 3 and enter in the remark column “সন ১৩০৬ হইতে ১৩১৫ পর্যন্ত অত্র খেবট লিখিত মালিকানের সঙ্গে ম্যাদী বন্দোবস্ত”. In column 8 the entry will be “ম্যাদী মালিকী বন্দোবস্ত”।

Case C. In Khewat No. 1 there should be no entry in column 3, but in the remark column there should be the entry “অত্র মহালের রাজস্ব ২নং খেবটভুক্ত”. In column 8 the entry should be “মালিকান বন্দোবস্ত না লওয়া হেতুতে সন ১৩০৬ হইতে ১৩১৫ পর্যন্ত ইজারা বন্দোবস্ত হওয়াতে মালিকান মঃ ৫, মালিকানা পায়”.

In Khewat No. 2 enter Rs. 80/- in column 3. Enter in the remark column “রাজস্ব ৭৫, মালিকানা ৫,” also “সন ১৩০৬ হইতে ১৩১৫ পর্যন্ত ম্যাদী বন্দোবস্ত”. In column 8 enter “ম্যাদী ইজারা বন্দোবস্ত”.

Case D. In Khewat No. 1 there should be no entry in column 3, but in the remark column there should be the entry “অত্র মহালের রাজস্ব ১—১০নং খতিয়ানভুক্ত”. In column 8 enter “মালিকান বন্দোবস্ত না লওয়া হেতুতে খান তহশীলের বন্দোবস্ত হওয়াতে মালিকান মঃ ৫, মালিকানা পায়”.

58. Rule 57 has dealt in detail with temporarily-settled private estates. There are also a few estates in this district in which a permanent (dāimi) settlement has been made with a person other than the proprietor. The proprietor receives mālikānā. These cases should be treated in the same way as case C in last rule, substituting “dāimi bandobast” for “ijārā,” and making necessary changes in the remark column and column 8 of Khewats No. 1 and No. 2.

ADDENDUM No. 2—TREATMENT OF “KHANDAWĀR” DIVISIONS OF TENURES.

60. (i) When a Hakiat is still regarded by the landlord as intact but is in fact possessed by several shareholders or groups of shareholders, fit for sub-numbers under the rules, the first point to consider is whether the division is to be recorded as “Hissawār” or as “Khandawār.”

(ii) Any division which can be expressed in fractions is a Hissawār division. The shareholders may possess specific lands, or they may possess undivided shares, or they may possess a combination of these two kinds of interest: but so long as the division can be expressed in fractions the division is a Hissawār division.

(iii) On the other hand a division which it is impossible to express in fractions is a Khandawār division. In this case a shareholder may possess (by purchase or otherwise) the entire interest within a certain Mouzā, or the entire interest of certain specific plots; or he may possess a certain undivided fractional share in one part of the Hakiat, and a different undivided fractional share in another part of the Hakiat; and so on. So long as the respective interests of the different shareholders cannot be expressed in fractions it is necessary to consider the division as a Khandawār division.

(iv) It is obvious that for the purposes of our record it is better to adopt the Hissawār system. Only under this system can it be clearly seen whether the entire Hakiat has been accounted for and all those interested duly embodied in the record. As soon as the 10 anas are made up it is known that the Hakiat is complete. In the Khandawār system on the other hand each khanda is called after its founder and there is nothing to indicate whether more khandas exist.

Example—

Hissawār ...	{	57/1	Hāolā	Rām	Lāl	Dās	8 anas
		57/2	”	”	”	”	5-6-2-2
		57/3	”	”	”	”	2-13-1-1
Khandawār ...	{	57/1	Hāolā	Rām	Lāl	Dās	(abasishfa Khanda)
		57/2	”	”	”	”	(Khanda Jogesh Chandra Chakrā barti)
		57/3	”	”	”	”	(Khanda Karim Khan, etc.)

(v) It is often possible to convert the Khandawār system into the Hissāwār by taking the rent which, according to private agreement, is paid by each Khanda to the landlord. If the possessor of a certain Khanda pays one-tenth of the rent he can often be considered as possessing a Hissā of one ana, twelve gandas; and so on. The parties sometimes object to this method of calculation under a mistaken idea that we intend to alter the actual possession. If this wrong idea be removed from their minds they will perhaps cease to object. There are however cases in which the rent is paid by the different khandas in sums which bear no similarity to the extent, or even to the value, of the Khandas concerned. Variations of this kind are generally due to the fact that a new purchaser undertook as a condition of his purchase to pay far more than his proportionate share of the rent. If then the payment of rent gives no adequate clue and the parties cannot be induced to agree upon some other working set of Hissās, we must adopt the Khandawār system.

(vi) Since the landlord, ex hypothesi, regards his tenure as intact and refuses to recognise any division, whether Hissāwār or Khandawār, it is necessary to record all the Hissās or Khandās in every Mouzā in which the tenure occurs. Branch Khewats will be in abbreviated form, as explained in Tenure Tree Rule 24 B. The issue of the Hakiat will be shown only below the possessing Hissās or Khandas of that particular Mouzā. See Attestation Rule 74 (ii). The correct "paraspar amsa" as between the different possessing Hissās or Khandas will of course be duly recorded in the Khewat or Khatīān of the each subordinate tenancy. Thus, in the example given above, if the possessing sub-numbers in Mouzā Rāmpur be 57/1 and 57/3 in the proportion of 10 anas and 6 anas, all the three sub-numbers will duly appear in the Tenure Tree exactly as described in clause (iv). Hāolā 57/1 will not be described as "Hāolā Rām Lal Dās 10 anas" but as "Hāolā Rām Lal Dās 8 anas" and so on; but the paraspar amsa will be duly shown in each subordinate Khewat or Khatīān as 10 anas and 6 anas. Hāolā 57/2 will remain with a blank Khewat and a note in column 8. There is no harm in inserting this note at the Tenure Tree stage.

(vii) No system should be adopted other than the alternative systems explained above. In particular, the system of recording in each Mouzā only the Hissās or Khandas which have possession there and of using the paraspar amsas as if they were Hissās must not be followed. It is further to be noted that in Hakiats which extend to several Mouzās it is sometimes necessary to make use of sub-numbers in cases in which a single Khewat would ordinarily have sufficed. For instance A, B and C possess a Hakiat which exists in three Mouzās—Rāmpur, Syampur and Karimpur. They grant only one dākhilā to their tenant but by a mutual agreement they enjoy the following interests—

In Syampur—	In Rāmpur—	In Karimpur—
A = 5-6-2-2	A = 8 anas	A = 2 anas
B = 5-6-2-2	B = 3 anas	B = 14 anas
C = 5-6-2-2	C = 5 anas	C = Nil

If on the basis of rent payments or on any other working basis a set of Hissās can be evolved which will express the respective interests of A, B & C in the Hakiat as a whole then these Hissās should be adopted thus—

Hāolā Purna Chandra Ghosh	4 anas,	dakhal A
" " " "	9 anas,	dakhal B
" " " "	3 anas,	dakhal C

Each Hissā should receive a separate sub-number and a separate compartment and all three Hissās should appear in each Mouzā, even in Karimpur where C has no possession. If it be impossible to evolve Hissās, the three separate sub-numbers and three separate compartments will still appear in each Mouzā. The names of the sub-hakiats will however now appear as—

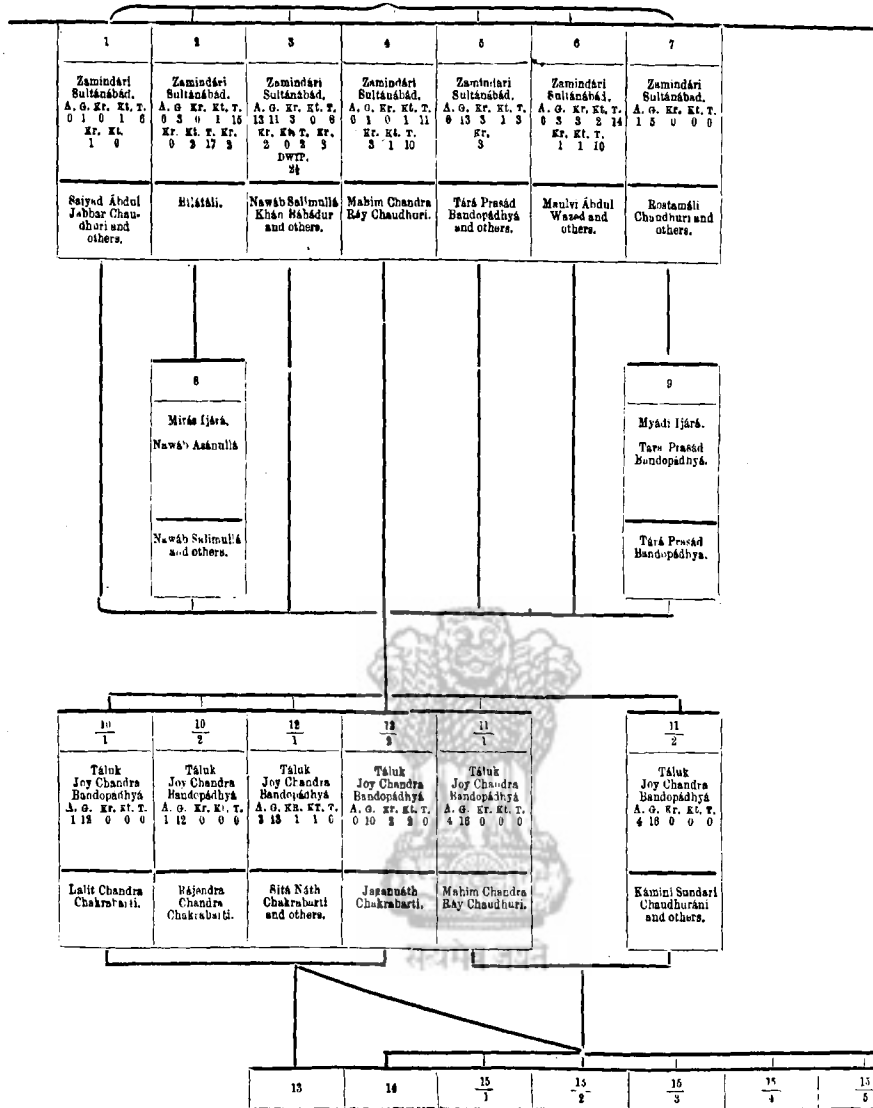
Hāolā Purna Chandra Ghosh	(Khanda X),	dakhal A
" " " "	(Khanda Y),	dakhal B
" " " "	(Khanda Z),	dakhal C

We have taken X, Y and Z to be the founders of the three Khandas, the predecessors in interest of A, B & C respectively. In both systems the paraspar amsa will be duly detailed in each Mouzā, according to the interests of A, B and C in that Mouzā. In both systems C will receive a blank but annotated Khewat in Mouzā Karimpur.

(viii) The above rules apply equally in the case of estates which are possessed by the parties in a manner not recognised by the Collector. Full numbers, not sub-numbers, will however be given to the Hissās or Khandas of estates.

A portion of the tenure tree of

Tauzi No. 3558.



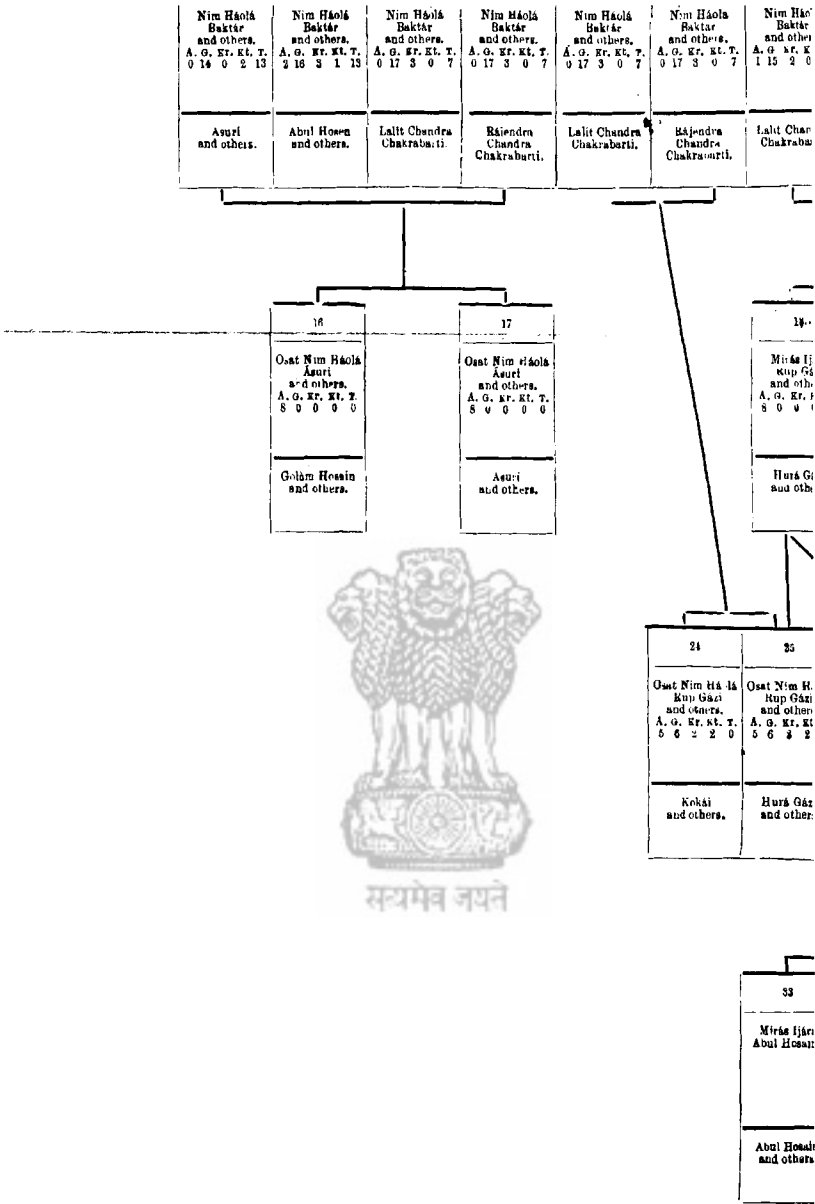
NDIX F.

Mauza Mallikdobā R. S. No. 1857.

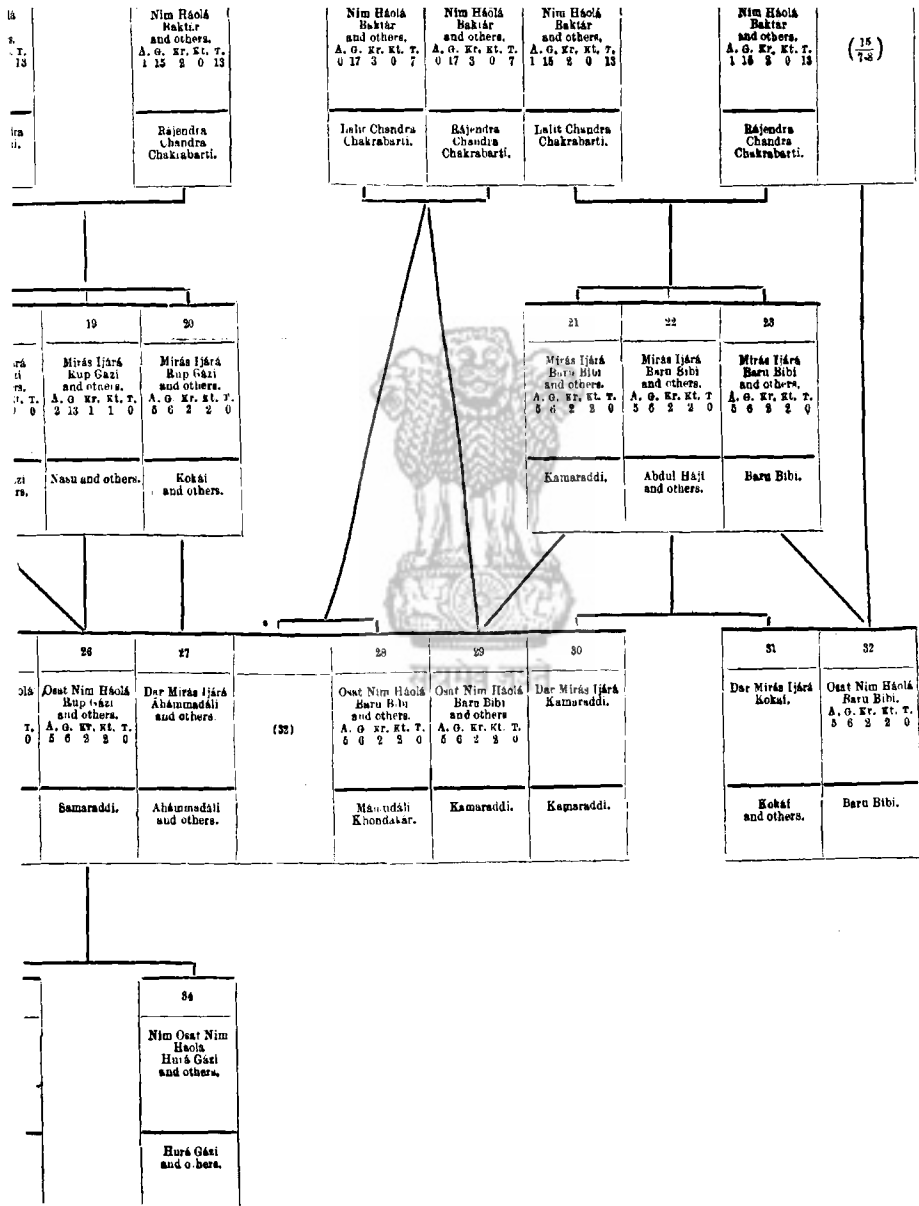
Thana Bauphāl No. 10



	15 6	15 7	15 8	15 9	15 10



TR.—This is a simple example: but sufficient to illustrate the form and arrangement of a tenure tree. The ordinary village comprises many estates, each of which has horizontally, but usually also vertically with it, 10 or even 15 lower grades of tenure than are shown in this specimen.



separate "tree" prepared as above, but placed on a single set of pages. Most of these estates contain far more tenures than are shown in this specimen and their trees not o

APPENDIX G.

CORRESPONDENCE CONCERNING COMMUTATION OF RENTS.

Schedule of Papers.

- I. Memorial of certain residents of Bakarganj, dated 11th August 1908.
- II. Note by the Hon'ble Member of the Board of Revenue, Eastern Bengal and Assam, on the above memorial, dated 20th August 1908.
- III. Forwarding memorandum from the Board of Revenue to the Commissioner of the Dacca Division, dated 22nd August 1908.
- IV. Forwarding memorandum from the Commissioner of the Dacca Division to the Settlement Officer of Bakarganj, dated 31st August 1908.
- V. Reports of the Settlement Officer of Bakarganj, dated 20th January 1909.
- VI. Forwarding letter of the Collector of Bakarganj, dated 12th March 1909.
- VII. Recommendations of the Commissioner of the Dacca Division, dated 10th June 1909.
- VIII. Orders of the Board of Revenue, dated 9th July 1909.
- IX. First report of the Collector of Bakarganj, dated 10th June 1910.
- X. First report of the Commissioner of the Dacca Division, dated 20th February 1911.
- XI. Second report of the Collector of Bakarganj, dated 6th January 1912.
- XII. Second report of the Commissioner of the Dacca Division, dated 25th September 1912.
- XIII. Orders of the Board of Revenue, dated 4th January 1913.
- XIV. Orders of the Commissioner of the Dacca Division, dated 22nd January 1913.
- XV. Third report of the Collector of Bakarganj, dated 7th August 1913.
- XVI. Orders of the Commissioner of the Dacca Division, dated 20th September 1913.
- XVII. Extract from letter of Settlement Officer of Bakarganj, dated 27th December 1907.
- XVIII. Extract from letter of Director of Land Records, dated 11th January 1908.
- XIX. Report of the Settlement Officer of Bakarganj, dated 20th January 1909.
- XX. Recommendations of the Director of Land Records, dated 5th February 1909.



I.

TO THE HON'BLE MR. H. SAVAGE, C.S.I., I.C.S.,

First Member of the Board of Revenue, Eastern Bengal and Assam.

The humble memorial of the undersigned
residents of the district of Bakarganj.

MOST RESPECTFULLY SHEWETH,

That in view of the deputation of an Assistant Settlement Officer in the interior of the district, with instructions to commute produce rents payable by tenants to money rents, the undersigned beg to approach your honour with this humble memorial, and to pray that your honour will be pleased to rescind the order, in consideration of the great hardship that the procedure is likely to entail upon the poorer section of the land-holding classes and also in consideration of the strained relations that it is likely to create between the landlords and the tenants; and the memorialists hope that in deciding the question whether these "commutation" operations are likely to promote peace and happiness of the people, your honour will be pleased to consider the following points:—

- (1) That these proceedings will affect only the poor people who depend entirely upon the produce rents for their subsistence.
- (2) That these proceedings are likely to affect most disastrously many widows and priests attached to temples, who depend entirely for their support and maintenance upon the produce-rents which they obtain on account of small areas set apart for the purpose.
- (3) That the practice of demanding a portion of the produce from the cultivators had its origin in the fact that the petty landlords had always a portion of their lands as *khamar* which, instead of cultivating themselves (either on account of caste prejudices or for the sake of convenience) they had cultivated by labourers who were paid a share of the produce and in most cases on the labourers undertaking to pay a fixed quantity of produce to the landlords for the convenience of the parties; and as such it is extremely doubtful whether it is legal to enforce commutation in these cases.

- (4) That in the settlement proceedings *karsha* (or occupancy rights) *jamas* are recorded as jots and *kolkarsha* held by under-raiyats are recorded as occupancy rights and in the present commutation proceedings, produce payable by these *kolkarshadars* is commuted to money rents. It is needless to say that it is not at all legal under the Bengal Tenancy Act.
- (5) That even the tenants often find it convenient to pay in kind instead of in rent, as the recipients of such rents always agree to take much less in bad years and such tenants are hardly ever in arrears. This is borne out by the fact that suits for arrears are proportionately much less in cases of produce rents than in cases of money rents.
- (6) That the tenants do not generally want such commutation is testified by the fact that though the Bengal Tenancy Act and its provisions for commutation has been in operation for over 20 years, a very few applications have hitherto been made to the Collector for commutation.
- (7) That the way in which the commutation is being made is operating very hard upon the landlords, inasmuch as the sub-clause (b) of clause 4 of section 40, Bengal Tenancy Act, which says that the average value of the rent actually received by the landlord during the preceding ten years or during any shorter period for which evidence may be available is not at all adverted to.
- (8) That even where there is a written agreement by which tenants agreed to pay a certain amount of money in lieu of produce, that agreement had never been attended to.
- (9) That in commuting the rent no consideration is given to the rates at which lands can be let out now but to that which was fixed 50 years or a century back.
- (10) That in these commutation proceedings, clause 6 of section 40 is not being given any consideration whatsoever, inasmuch as no petition for commutation is refused, even though opposed on valid grounds, while considering the circumstances of the district, the above clause is applicable in most cases.
- (11) That most of the landlords are too poor to contest the findings of the Assistant Settlement Officer, which are in almost all cases most arbitrary, inasmuch as he does not generally take any evidence.
- (12) That the tenants are given to understand that the commutation is obligatory on them and the innumerable cases that are being filed are direct results of it.
- (13) That these commutation proceedings will, your memorialists apprehend, give rise to a crop of litigation, both civil and criminal, which will be disastrous both to the landlords and tenants.
- (14) That when the survey and settlement was being made, the Assistant Settlement Officers, under the orders of Mr. N. D. Beatson-Bell, the then Settlement Officer, commuted produce rent into money rent, though at that time they had no authority to do so. These proceedings having been declared bad in law by the Civil Courts, your petitioners learn that the Government have authorised the present Assistant Settlement Officer only to validate the proceedings stated above for three months. But as a matter of fact attempts are being successfully made to commute the produce rent of all the lands into money rent, even after the expiration of the said period.
- (15) That if things are allowed to proceed as they are doing it will take more than six years for the commutation operations of the whole district, to the enormous expenditure of the Government money.
- (16) That there can be no denying the fact that these proceedings are conducted to the special advantage of the tenants. Further, the tenants do not require any legal help, while the poor landlords cannot get any, inasmuch as the proceedings are conducted in the interior of the district.
- (17) That there is no necessity of deputing a special officer for these proceedings, as the Collector of the district has got jurisdiction throughout the district for this purpose.

In conclusion, your honour's humble memorialists most humbly pray that your honour will be pleased, for the peace of the district, that the Assistant Settlement Officer deputed to the *mufassil* to carry on the commutation proceedings be recalled, and that both the landlords and the tenants are given an opportunity for applying for revision in those cases which have been already disposed of.

And your honour's humble memorialists as in duty bound shall ever pray.

BARISAL,

The 11th August 1908.

II.

NOTE.

THE memorial annexed to this was presented to me at Barisal by a body of pleaders and Brahmin priests who (the priests in particular) spoke very emphatically of the evils resulting and likely to result from the system at present followed with regard to the commutation of produce rents.

2. In order to ascertain what truth there might be in these complaints, I asked Babu Radha Krishna Goswami, Assistant Settlement Officer, who is in charge of the operations, to meet me at Palardi. This he did yesterday evening and I inspected his records, from which I ascertained the following:—

The Babu began work at the end of April this year. The number of applications for commutation received to date is 1,305.

Of these, 1,160 have been disposed of and in all except about 30, commutation has been allowed.

Out of the number not allowed about 20 have been struck off and the remainder refused; in one case because the rice which was payable was for the worship of an idol and in the other because the applicants had been sold up. The Babu could not give me the exact figures at the moment for the cases refused, but the exact number is immaterial. The important point is that on the great majority of applications commutation has been allowed.

3. Among those in which it has been allowed I find that in some the rental was half the produce and in others less, but that the cases in which the rent is a fixed measure of paddy, irrespective of the actual produce, are considerably in the majority. I give below a *précis* of three typical cases.

4. *Case No. 11.*—Area 1.28 acres; rent Re. 1-8 in cash and 12 *kathis* of paddy (a *kathi* is a measure of 28 seers, nominally of 60 tolas, and from a *kathi* of paddy it is generally calculated that 14 seers (of 60 tolas) of rice are obtained. The average price of rice during the past 10 years in Bakarganj has been 11½ seers (of 80 tolas) and on these data the value of the 12 *kathis* of paddy comes to Rs. 10-13, and this added to the money part of the rent would give a total rental of Rs. 12-5. But the rent allowed on commutation is Rs. 6-8 only, i.e., for the produce part of the rent only Rs. 5 has been allowed. This was carried out in the following manner. The average of money rents for similar land in the vicinity has, from the record-of-rights, been found to be Rs. 3-6-10 per acre. At this rate the rent for 1.28 acres would be about Rs. 4-2 and adding 50 per cent. to this the total comes to Rs. 6-4. Another 4 annas was added to allow a round sum of Rs. 5 in lieu of the produce rent.

5. *Case No. 875.*—Rent half the produce. Calculating as in paragraph 4, the value of half the produce was found to be Rs. 6-5, the produce being found to be on the average 14 *kathis* a year. The area is .46, and at average rates for similar holdings on money rents (Rs. 3-8-9 per acre) the rental of this area would be about Re. 1-9; adding 50 per cent., this comes to Rs. 2-6, which is the rent fixed on commutation.

Case No. 558.—Produce rent two-fifths of the produce. Value of this found to average Rs. 16-4. Rent fixed at Rs. 6-4. In this (as in many other cases) this rent has been declared payable to several landlords in sums varying from 12 annas 6 pies to Re. 1-9.

Case No. 537.—Produce rent 20 *kathis* of paddy (fixed). Value found to be Rs. 18-1. Rent fixed at Rs. 7.

6. From these examples it will be seen that practically no attention has been paid to the provisions of section 40 (4) (b) in fixing the rent on commutation. Indeed, pretty well all the cases have been decided on the basis of allowing about 50 per cent. over the average money rent payable by occupancy raiyats for land of a similar description and with similar advantages in the vicinity within the meaning of section 40 (4) (a) and the Assistant Settlement Officer informs me that he has adopted this system under the instructions of the Director of Land Records. He has not by him a copy of these instructions, and I have not seen them, but if they are as he represents, then I have no doubt that the Director of Land Records would have varied them had he seen the results which have now become apparent. Possibly there is, however, some misunderstanding about the matter. The average rents which appear on the record as published are the rents which probably have existed for many years, and if the landlords sue—as many intend to do, I understand—for enhancement there is every probability they will on account of the rise in prices alone get an enhancement of about 6 annas in the rupee. It follows, therefore, that if this commutation stood over till after this enhancement has been obtained, the basis for calculation under (4) (a) of the section would be 6 annas in the rupee higher than it is at present, and it would only be fair to take this into account now, since under section 40A there can be no enhancement of the commutation rent for the next 15 years. This 6 annas in the rupee would absorb 37 out of the 50 per cent. allowed above the average money rents, and it can hardly be said that the remaining 13 per cent. is sufficient compensation for the loss to which the landlords are to be subjected by the operations.

7. The fact is it is extremely difficult to fix on any rate which can be followed in these commutations without causing undue hardship to either the landlords or the tenants. The case necessarily leaves much to the judgment of the officer who tries the cases and I doubt whether it is at all advisable to bind him by instructions which limit

in any way the exercise of his discretion in the matter. Possibly in arriving at the instructions that the allowance should be 50 per cent. over the average money rents, the Director of Land Records had in view the provisions of section 48 with regard to under raiyats; but if the Legislature had intended that those provisions should be applicable in the case of commutation, I think it would have said so. In other parts of the country I understand Rs. 100 has been taken as the maximum, and probably the officer charged with the fixing of the rent would be in the right to scrutinise most carefully cases in which produce rent appears to sum up more than double the average of money rents, but it is not difficult to conceive circumstances in which a still higher rent would be admissible. Take for instance the case of a poor widow, whose only means of support consists of a tenure of a few bighas of good land, which is let out to a rich "settled raiyat" at a produce rental, which though in value three times the average money rents of the neighbourhood, is only sufficient to provide for her maintenance. Would it be fair to allow in such a case commutation at 50 or 100 per cent. over the average money rental, with the result that she must either beg or starve?

8. Personally I think all reference to percentages should be avoided. The Assistant Settlement Officer tells me the plan he first thought of adopting was to take the difference between the average money rent and the value of the produce rent and then add half of the difference to the average money rent and declare this to be the commuted rent. This plan is certainly better than the one actually adopted, as it brings into play both (a) and (b) and section 40 (4) and gives what on the face of it looks more like an equitable adjustment. I have told him that it is open to him to adopt his own plan in future and that he should adopt it in preference to the one he has hitherto followed. Possibly the result would be still more equitable if the 6 annas in the rupee enhancement were first added to the average money rents; but whatever plan may be adopted, it must not be slavishly followed, without regard to the circumstances of each particular case.

9. I must now refer to what is a most extraordinary feature of the present state of affairs. Although in more than 1,000 cases rents have been commuted in what evidently is well known to the majority of the landlords to be an irregular manner and the rents have in consequence been reduced to an extent which will go far towards impoverishing many of the landlords and which it is certain they will not acquiesce tamely, yet only in 9 cases have appeals been filed and in the rest the time for appeal has been allowed to pass without any effort being made to get the orders modified. Indeed in very few cases have the landlords even gone so far as to take copies of the orders.

10. It is very important that the inner meaning of this state of affairs should be ascertained. What I am told is that the landlords intend either to harass their tenants by suits for the produce rents now in arrears and so bring them to their knees, or failing this to resort to the *lathi*, *dao* and similar weapons in the use of which the inhabitants of Bakarganj are past masters. Whether this be correct or whether there is some other idea in the landlords' minds I do not know; but of this I am certain: there is trouble ahead and it behoves the local officers to keep a sharp look out.

11. For the present I have told the Assistant Settlement Officer not to receive any more applications. He was appointed for three months to deal with some 1,500 cases in which commutation had been made by the Settlement Officer (throughout the district) but which had been made by officers not duly empowered. It was never intended that his operations should go beyond the remedying of the technical defects in those cases, but in fact he has already been at the work nearly four months, and that only a part of one thana has been flooded with cases not touched before, so it is time to cry halt. The question whether in the future a special officer will or should be employed I hold over till I get reports on the matters dealt with in this note.

12. I have also instructed the Assistant Settlement Officer to send to me for revision the cases in which to his knowledge the landlords are poor people, i.e., widows, orphans or priests whose mainstay are the rents which have been commuted; and with regard to other cases in which his decision has not been appealed against I have asked him to ascertain whether, if the orders be revised so as to raise the commuted rents to the figure they would have stood at if he had followed his own plan, the landlords will be likely to be satisfied.

13. I will now examine the allegations in the memorial in order.

(1) It is true that the proceedings are affecting a large number of the *bhadralog* who are in straitened circumstances.

(2) In some cases it is a fact that the proceedings are likely to have a disastrous effect on poor widows, orphans and priests. I have asked the Assistant Settlement Officer to send me the records of such cases.

(3) I should like further enquiry made in this matter. It is a fact that very little or no land has been entered as *khamar* in the record, though it is very probable that each of the small independent talukdars in Gournadi thana had land which should have been so recorded. Probably, however, the complaint is more with regard to what the tenure-holders have regarded as their *khamar*, but which is not recognised by law. I see that in the new Chota Nagpur Tenancy Bill tenure-holders' *khamar* is recognised. It is open to question whether it was not a mistake to refuse to do so in this province.

(4) On this also further enquiry is necessary. I am afraid the Settlement Officers have gone much too far in the direction of classing all *bhadralog* tenure-holders. I have just had to revise a settlement in the south of the district in which in their zeal to secure occupancy rights to the under-raiyats, the Settlement Officers made the palpable mistake

in law of classing as tenure-holders mahajans who had bought what were admittedly occupancy rights. It may be morally right that the under-raiyats should have occupancy rights, but these can be secured to them only by a change in the law. It is, I understand, very probable that there will be a flood of cases in the Civil Courts arising out of the classification made.

(5) I am not at all certain whether the commutation will in the long run be good for the Namas, who for the most part are the holders at produce rents in Gournadi. In this thana there comes once or twice in a decade a year in which the floods wipe out the crops, and the landlords will only have to wait for one of those years to catch the Nama penniless and sell him.

In the correspondence which led to the deputation of this special officer there was a remark that many landlords, to get rid of the commutation, were suing for three years' arrears of the produce rent, and the suggestion was that the suits were false. I was inclined to think there might be something in the suggestion; since in districts in which produce rents are most prevalent it is the custom for the landlord to get his share from the threshing-floor, but now that I find here the produce rents are, in the majority of instances, a fixed amount of paddy, I can see no general reason for doubting that these have been left in arrears, just as money rents are left, especially as there have been some years of poor crops recently.

(6) The argument here is not convincing. Possibly the tenants did not apply for commutation because they were ignorant of the law.

(7) This seems correct.

(8) This is so. Probably the Assistant Settlement Officer has made a mistake in law in commuting for less than the money equivalent fixed in the kabuliyat. In a case in which the kabuliyat specifically stated that the rent was 18 *kathis* paddy or Rs. 9, the rent has been fixed at Rs. 5, yet this is one of the cases in which no appeal has been filed.

(9) This is correct apparently. I think the present letting value of the land should be taken into consideration.

(10) This is not quite correct. In one case at least the Assistant Settlement Officer refused to commute because the produce was to be used for the worship of an idol. I think he would have done well to have refused in cases in which commutation would have the effect of seriously impoverishing the landlord. Reference in the paragraph, however, is probably to his refusal to accept the plea of *khamar*, which he based on the fact that the record did show the land as *khamar*.

(11) No doubt many of the landlords are poor, but I doubt whether in the majority of cases poverty is the cause of failure to appeal. In no case as yet has there been any order on appeal and so it cannot be said that the failure to appeal is due to a feeling that to appeal would be useless.

(12) This in sense is true. The Assistant Settlement Officer, of course, has done nothing to give rise to this false expression, though the very light rents he has fixed may have helped to strengthen it. The fact is, I understand, that the Namas of the *bhils* have formed a combination, and to induce others to join them have given out that Government is pressing for this commutation. Indeed they have gone so far as to coerce by social boycott those who hesitate to apply. Much will depend as regards future action on whether this movement will die out when the special officer withdraws or whether the leaders will be able to induce applicants to apply to the Collector.

(13) The apprehensions of the memorialists are, I fear, well founded.

(14) This is in general correct.

(15) Possibly correct.

(16) As I have said above, I doubt whether the proceeding will in the end benefit the tenants. It is probable that if the officer had taken up the cases at headquarters the result would have been different.

(17) I intend to revise the cases of the poorest landlords. If the other landlords are reported to be likely to accept commutation on the plan of the Assistant Settlement Officer, I think the revision might be undertaken after giving notice to the tenants and hearing what they have to say of course.

H. SAVAGE,

First Member, Board of Revenue, Eastern Bengal and Assam.

The 20th August, 1908.

III.

BOARD OF REVENUE, E. B. AND ASSAM.

SURVEY AND SETTLEMENT.

No. 31 S. & S.—D., dated 22nd August 1908.

Member in charge
THE HON'BLE MR. H. SAVAGE, C.S.I., I.C.S.

THE undermentioned documents are forwarded to the Commissioner of Dacca for favour of enquiry and report:—

- (1) Copy of a note by Hon'ble First Member regarding the commutation rent in Bakarganj.
- (2) Original memorial by certain residents of Bakarganj.

R R

IV.

Endorsement on a Note by the Hon'ble First Member of the Board of Revenue, Eastern Bengal and Assam, regarding the commutation of rent in Bakarganj.

Memo. No. $\frac{L. R.}{1358}$, dated 31st August 1908.

Copy forwarded to the Settlement Officer of Bakarganj, with the request that he will submit through the Collector a report on the various points raised by the Hon'ble Senior Member of the Board of Revenue. I shall be obliged if the Settlement Officer will forward with his report a statement of all the cases instituted in the following form:—

Column 1.—Serial number.

Column 2.—Name of the tenant.

Column 3.—Name of landlord.

Column 4.—Circumstances of landlord (e. g., *Brahmattar*; *debattar*; widow subsisting on the proceeds of the land in question; tenure-holder holding other land and in good circumstances; and so forth).

Column 5.—Area.

Column 6.—Produce rent (e.g., *barga* or *kathis* of paddy, and so forth).

Column 7.—Estimated value of produce rent.

Column 8.—Commuted rent fixed by the Assistant Settlement Officer.

2. The return of the petition is requested with his reply.

R. NATHAN,
Commissioner.



No. 937, dated Faridpur, the $\frac{13th}{20th}$ January 1909.

From—J. C. JACK, Esq., I.C.S., Settlement Officer, Faridpur and Bakarganj,

To—The Commissioner of the Dacca Division (through the Collector of Bakarganj).

I HAVE the honour to submit a report as ordered in your memorandum No. $\frac{L. R.}{1358}$, dated the $\frac{28th}{31st}$ August 1908. I regret the very great delay. I have had a large amount of work to get through, which could only be postponed with jeopardy to the survey of the Meghna and other urgent work due for completion in the present season. On the other hand the report itself deals with matters of great moment to the agricultural classes of this district and I did not feel justified in neglecting it.

I would like, however, to say that from the tone of the Hon'ble Member's memorandum it appears that I have been called upon for a defence of my proceedings in the matter of commutation; yet I had nothing to do with commutation in 1904 and I expressly refrained from any interference in 1908. My only connection with the proceedings has been to propose a special officer when the Civil Court quashed the proceedings of 1904. I do not say this to disclaim sympathy with the proceedings. On the contrary, I hold that the produce rents prevalent in Gournadi are a curse to that country; but I do not wish it to be considered that this report is a piece of special pleading in defence of some of my proceedings which have been attacked. The commutations of 1908 against which the Hon'ble Member wrote his memorandum had nothing to do with the Settlement Officer and I do not know why I should be asked for a report about them. It has been a very heavy additional labour, which I have only undertaken because the papers disclosed that the raiyats were likely to be condemned *ex parte* and that all the factors in an economic situation of great gravity and complexity had not been thoroughly considered.

I send herewith a statement in two volumes as requested by you in the compilation of which a large amount of time has been spent. As the commutation officer was

then employed in other work, the extra column 7 (a) which you requested should be added to the statements in your No. 1862 T.N., dated the ^{3rd}/_{9th} November 1908, has not been added, but the prevailing rate per acre in the vicinity has been shown in the remark column. The commutation officer writes:—

“Great difficulty has been felt in getting the information required by the column 4, and I beg to state that the statement as to the circumstances of the landlords cannot be expected to be very accurate in every case. I could not have personal knowledge regarding the landlords in the majority of cases and I had to fill up column 4 from information gathered second hand, but when people will consider it expedient to suppress the truth or to represent every family as poor, it is difficult to get correct information without sifting inquiry. If correct information is required in every case it cannot be obtained without careful local enquiry, and I am afraid such an enquiry will take a long time, because in many cases the number of defendants comes up to 30 or 40 or even more, and in a few others the landlords belong to Faridpur, Khulna and Jessore. It may well be imagined what time it will require to gather correct information about each defendant in all these cases.”

I have gone through both volumes of the statement with some care and I find that in 671 of the 1,167 cases in which commutation was allowed, the circumstances of the landlords are described as good, in 435 cases as fair and in 58 cases as poor. Of these 58 cases, more than half are the private priests of substantial families, which are bound to make provision for their maintenance. The number of cases in which the landlord is a jotedar appears to be 117, in 19 of which the jotedar was joint-landlord with talukdars, howladars and other tenure-holders. It may be pointed out that there is a difference between the jote tenure in a Government estate and in a private estate. Government allows the transfer of holdings; but the private landlords under reference do not; when such a transfer takes place they refuse to recognise it without payment of *salami* calculated on the basis of the *salami* paid for the creation of a new tenancy. The new tenancy thus created will be a holding or tenure according as its purpose is proved by the subsequent acts of the new tenant. Where he has immediately sub-let, it must, I submit, under section 7, Bengal Tenancy Act, be considered to be a tenure.

It will be convenient if I explain in this place the difference between the *borga* and *karari* systems of produce rents. Under the *borga* system a share of the gross produce is given as rent to the landlord. This share is estimated by *tuckdars* before the crop is cut. In the north of the thana seed only is supplied by the landlord, but in other parts everything including the seed is supplied by the tenant. The share of the landlord is, therefore, his proportion of the gross crop; the share of the tenant his proportion less the cost of cultivation. Amongst the 1,164 cases 315 were *borga* rents, the landlord's share being one-third of the produce in 37 cases, two-fifths in 20 cases and one-half in 258 cases.

In the *karari* system the amount of produce payable as rent is a fixed annual amount of paddy defined in the local measure, thus 20 *kathis*. Under this system the tenant takes all the risks of the season. It will be found that the fixed produce (or *karari*) rent represents usually very little less than one-half of the average crop and sometimes considerably more, leaving the tenant the surplus paddy of fat years when it sells at low prices and taking from him almost everything in the lean years, when prices are prohibitive. I quote a few cases to lend point to these remarks:—

No. of cases.	Area of holding in acres.	Total net produce in <i>kathis</i> of 28 seers.	<i>Karari</i> rent payable in <i>kathis</i> of 28 seers.
27	2.02	60	38
30	3.42	102	47
37	1.58	47	30
38	1.74	51	35
44	1.99	60	38
51	2.78	83	42
88	3.23	97	60
103	1.57	47	25
125	1.55	46	29

In these calculations the average gross produce of an acre has been taken at 40 *kathis* and the cost of cultivation at 10 *kathis* without allowance for labour, the net produce thus being 30 *kathis* of 28 seers. I draw attention particularly to the pitch of the rent in the majority of these cases.

The tenants generally dislike *borga* and detest *karari*, although I see the landlords state, cynically enough, that *borga* was converted into *karari* at their request.

In these areas the average cash rates are low, varying between Rs. 3 and Rs. 4 an acre. Reasons for this will be given later, when I deal with the pressure of population upon the soil.

In the meantime I note the cash valuation under the *borga* system and compare them with the prevailing cash rates, and also with the commutation actually made and the commutation suggested by the Hon'ble Member:—

Nature of the <i>borga</i> rate.	Prevailing rate.	Commutation rate.	COMMUTATION RATE SUGGESTED BY HON'BLE MEMBER.	
			At present price.	At average price of last ten years.
	Rs.	Rs.	Rs. A.	Rs. A.
Half the gross produce			15 8	10 12
			or 15 12	or 11 0
Two-fifths of the gross produce.	3 or 4	5 or 6	12 8	7 12
			or 12 12	or 8 4
One-third of the gross produce.			11 0	7 6
			or 11 4	or 7 14

The valuation of *karari* rents would ordinarily be between Rs. 12 and Rs. 16 per acre but occasionally much higher.

Before I enter into a consideration of the subject-matter of the appeal and the memorandum, I should like to make a note on the question of law. In the opinion of the Director of Land Records and also of the Settlement Officer, proceedings under section 40, Bengal Tenancy Act, are judicial in their character and no attempt either by previous instruction or by subsequent reference was made to interfere with the judicial discretion of the commutation officer. I was myself present when the commutation officer asked instructions from the Director of Land Records and was told that he must in all cases use his own judicial discretion. The Director of Land Records, when himself Settlement Officer in 1904, decided a large number of commutation cases (since rejected as *ultra vires* by the Civil Courts). Probably the commutation officer followed the principles then laid down; but he has also done commutation work in 1905 in the district of Midnapore, where as elsewhere in commutation cases in old Bengal, the difference between the prevailing rate of cash rent and the valuation of the produce rents was equally marked, yet the principles of commutation were the same. If the commutation officer has erred he has erred therefore in good company and with good precedent taken from the Board of Revenue of old Bengal.

It may be wrong to hold that section 40 is a judicial proceeding; but I respectfully submit that legal advice is necessary on the point. If a case under section 40 is a judicial proceeding it follows that the orders of the commutation officer are final, unless properly appealed, and not open to revision. In the interest of the tenants, who do not as yet appear to have been heard, I must urge that legal opinion ought to be taken. I may add also that the Hon'ble Member directed the commutation officer to entertain no further applications for commutation, and that the Collector has similarly, under the same direction, refused to entertain such applications. The law, however, directs that all such applications shall be received. They may be refused for grounds given in writing, but they cannot be summarily rejected. It appears, therefore, that in the case of such tenants a relief which is statutory has been denied to them.

So much for the law. In preface to a consideration of the cases I should like to make some general remarks on the nature and effect of produce rents. *Borga* is not unknown in other countries, but I have been able to find no European examples of *karari*. In Europe *borga* is known under the name of metayer. In metayer tenancies the landlord takes half the gross produce as his share but builds, repairs and stocks the farms, supplies cattle and all agricultural implements, and provides the seed. Of this system Arthur Young says: "There is not one word to be said in favour of the practice and a thousand arguments that might be used against it. . . . The hard plea of necessity can alone be urged in its favour, the poverty of the farmers being so great that the landlords must stock the farm or it could not be stocked at all." Elsewhere he writes: "Wherever this system prevails it may be taken for granted that a useless and miserable population is found. . . . The land is miserably cultivated." McCulloch, another well-known economist, says: "Wherever it has been adopted it has put a stop to all improvement and has reduced the cultivators to the most abject poverty." Almost all others economists agree. In Italy, however, it was more successful according to both Chateaubvieux and Sismondi, the reasons being that extensive irrigation systems which were a necessity for cultivation could only be kept up

adequately by the landlord and his interest could only be assured by making his profits depend on the success of the crop. There was no subdivision of farms and farms were therefore of considerable size. In France, on the other hand, irrigation was not a necessity, while sub-division was always reducing the size of the farms.

In Bihar, the ancient Bhaoli tenures are understood to be successful and popular up to this day, for the reason that, as in Italy, irrigation is necessary for successful cultivation and the landlords' interest is powerfully secured by the system. In Gournadi, there is none of this necessity and not one of the compensations of the system found in Europe. The best available evidence shows that produce tenure is not ancient, there is no irrigation, the landlord does not build and stock the farm or supply cattle, implements or seed, there is great sub-division of tenancies combined with increasing pressure of population upon the soil. In a word it is a thoroughly bad system without any compensations. Fortunately only a proportion of the land is decaying under it, although that proportion has increased and is increasing.

With these general remarks I proceed to consider the history and general circumstances of the system in Gournadi thana. Produce rents are a very exceptional feature of the land tenure system in Bakarganj. Beyond a few cases in thana Mehendiganj and round Banaripara, they are found very rarely indeed in the other parts of Bakarganj, and where found at all, they have been created very recently. There can be no possible doubt whatever that they are no part of the system of land tenure in Bakarganj, which is itself a special thing without parallel in Eastern Bengal; but they are found in large quantities in that portion of Gournadi thana, in which these proceedings have taken place. The portion of the thana in which produce rents prevail may be estimated at 130 square miles, being that portion in which large colonies of *bhadralog*, Kayasthas, Baidyas or Brahmins, have settled. In 1901, the population of this area was 162,000, of whom 23,000 were *bhadralog* who depended for their maintenance upon produce rents. The density of population in the area is 1,250 to the square mile. The area affected is really smaller and the density greater but it is impossible to extract the figures with any accuracy. In this area about one-tenth of the land is held on produce rents, the remainder being held on low cash rents. I have examined the revenue survey maps and find that this area was entirely under cultivation at that period. In 1872, the population was 105,000, of whom 15,000 were dependent *bhadralogs*. It will thus be observed that the 100 acres, which supported in 1872 128 inhabitants, of whom 110 were cultivators and 18 idlers, had to support 196 in 1901, of whom 168 were cultivators and 28 idlers. The average size of a farm has decreased from 5 acres to 3 acres.

From these figures it is apparent that there are now 28 men for every 18 in 1872, who are to be supported by produce rents while the family who from 5 acres in 1872 might have had surplus rice with which to contribute to the support of 15,000 idle *bhadralogs* have now only 3 acres to meet an increased burden of 23,000 drones. It will be clear, therefore, that the amount of land held on produce rents must inevitably have increased of late years, while the agricultural population has become proportionately less able to pay the rents. All enquiry tends to confirm this result. The conversion of *borga* into *karari* has all taken place in the last 30 years, while a very large amount of land previously held at prevailing cash rates has on one pretext or another and by one means or another been converted into the land of produce-paying tenancies. Meanwhile it was the universal experience of all Settlement Officers who worked in this area that it was incomparably the most miserable part of Bakarganj, the cultivators living in wretched houses and with few, if any cattle. A tin-roofed house belonging to a cultivator is rarely seen, while in other parts of Bakarganj they are quite common; gardens of fruit-bearing trees are rare and the cattle owned per head of population is far less than in other parts. As a result, most of the day-labourers of the district come from this area, while in the paddy-cutting season the farm-hands of the richer southern thanas are entirely recruited here. In the rare seasons of bad crop it has only been here both in 1894 and 1905 that the scarcity has at all been severe.

It has been urged on the other hand that the *bhadralog* landlords are equally poor. This is true of a large number, but not by any means true of all. In a large number of commutation cases the landlords were men of very good circumstances, who have a large trade in rice, *e.g.*, the Dutts of Batajore, the Dasses of Goila, the Poddars of Medakul, the Sharbagnas of Bakal, the Guptas of Chandshi, the Sommaddars of Bagda and the Bukshis of Barthi. Certainly a large number of the landlords are poor, but they are idlers living like parasites upon the cultivators, and it is quite impossible for any cultivator to thrive under such a burden of landlords as the ratio of 7 to 1 represents. It would be remembered in this connection that this area is from its social amenities a *Mecca* to high-caste Hindus, and immigration from outside is very common. When a daughter marries, it is usual for the husband to join the wife in this social Eden and not for the wife to follow her husband into the wilderness.

At the present time the cultivator has existed and is more increasingly existing for the *bhadralog*. The question is whether this state of society is to remain for ever; in a word whether the future is to be to the worker or the drone.

Underlying the appeal and the memorandum of the Hon'ble Member are two theories; that produce rents have come down from old times and that *khamar* is an ancient and living institution in Gournadi thana.

I join issue with both these theories. As regards the first, I would refer to Field, incomparably the greatest authority who, at page 198 of his Digest, states that under the Muhammadan Government, the Government share (*i.e.*, what subsequently under

the British system became the rent) was fixed at one-third of the average produce. This was the full rate and deductions were allowed. This rate was then converted into money under equitable rules. Again, he expressly states at page 203, that in contrast with Bihar where rents in kind in some cases persisted, "in Bengal the custom was that the proportion of the annual produce of each bigha should be demandable in money." From page 204 also it is clear that in Bengal commutation was universal. It is possible, however, that during the Muhammadan occupation there were some cases of rents still being paid in kind, but the maximum rate of the rent was one-third of the net produce as laid down by the court of Akbar. It is certain again that in the early days of British occupation most of such rents were commuted into cash rents. The need at that time was everywhere for money, while the price of paddy was then ridiculously low and in a good year there was no market for it at all. If, however, in scattered places produce rents persisted, these were not in any case in *khamar* lands, if any such existed, as *khamar* lands at that time were farmed with the owner's cattle and hired labour. Produce rents, however, again became important with the rise in the price of rice in the early seventies, a rise which synchronised with an increasing pressure on the soil and an increasing burden of idle mouths. Holdings which fell in were leased at produce rents and wherever possible the landlords introduced these rents. The landlords' share of the produce rose. What was originally never more than a third rose to two-fifths and then to one-half. Instances of the older rates still remain and attest to the truth of this assertion.

Finally, it was found unpleasant by the landlords to take the hazard of the crop which this system involved, and *borga* was converted into *karari*, the landlord thus shuffling all the risks on to the shoulder of his tenants. In almost all cases of *karari* lands there are written leases, most of which are very recent and none older than 30 years. There are many instances also of cash-paying lands being converted into produce-paying within the last 30 years either by forcible "persuasion" or by taking advantage of the distress of the tenant in a bad season or other temporary misfortune.

As regards *khamar*, I am convinced that *khamar* claims are not anterior to the Bengal Tenancy Act. It is very reasonable to suppose that true *khamar* existed in ancient days. By true *khamar* I mean what in England we know as the home farm, or land contiguous to the landlord's house which is cultivated by his servants and with his cattle and implements. This type of *khamar* died out in Gournadi more than 50 years ago and the home farm was replaced by an ordinary tenancy, sometimes at cash rents and sometimes at produce rents. The landlords of these parts have been Munsiffs and Pleaders for generations, and it is certain that the passing of the Bengal Tenancy Act suggested to them the reintroduction of *khamar* in view of the rapid rise of prices. In proof of this it may be pointed out that the word *khamar* or any similar word is not found in any document dated before the date of the Bengal Tenancy Act. Further, the new *khamar* is rarely near the landlord's home and indeed is usually in another village altogether or in another tenure. Were it true *khamar*, it would certainly adjoin his house and be part of his home farm. Ordinary tenancies passing from father to son have actually existed on the new *khamar* land for 50 years, and it is against the letter as well as the spirit of the Bengal Tenancy Act to accept such land as *khamar*, and to bar the accrual of occupancy right, and its concomitant privileges.

These views are largely the result of an enquiry made in 1903-04, before commutation was thought of at a time when I spent six months in Gournadi thana, and my interest was aroused by the prevalence and bad effects of the system. It may be urged that had these rates been so severe and so illegally introduced, the tenants would have had recourse to the relief which was open to them in Civil Courts, whereas in fact they have never done so. They had a remedy in theory, but in fact it cannot be seriously contended that that remedy was open to them. Any attack upon the produce rents was an attack upon the *bhadralog* class, which those rents supported but which in turn through the Bar, which was entirely of that class and mostly from Gournadi, and through the court clerks and the touts, who were all of that class and of Gournadi, completely controlled the Civil Courts. Whether the tenants knew or did know of their remedy, they know and have always known their helplessness in a question of this kind in the Civil Courts. I do not wish to be understood as reflecting upon the Munsiffs. The case was never presented to them, as all life would have been strangled out of it on the way. Conceive the position—on one side the landlord, intelligent and well versed in litigation, with the Court Amlas in sympathy with him and the best legal talent zealously at his service; on the other, the tenant, ignorant and stupid and strange to the court, with his own pleader secretly hostile to his cause and the Court Amlas antagonistic. Who can feel any doubt as to the result? If this be not convincing, what is to be made of the cases which arose in 1905 out of the original commutations. In 1901-02 and 1903, produce rents were paid without question, and previous to 1904, there had never been a single suit for arrears of produce rents in the Civil Courts. In 1904, came settlement with its commutation bitterly resented by the landlords. In 1905 were tried 209 suits for arrears of paddy rents accruing in 1901-02 and 1903. Out of 209 cases, many contested, the landlords got decrees in 206! Meanwhile the landlords were openly boasting in Gournadi that they would bring their tenants to their knees by rent suits. After this, to talk of a remedy in the Civil Courts in connection with *borga* or *karari* land, is a mockery.

I think I have written enough to show that there are two sides to the question, and that while competitive produce rents at present exist in a large number, yet their existence has been short. No unprejudiced observer can fail to see that they are ruinous

to the cultivating classes and the land and that they are not merely contrary to the agrarian principles of the present Government as shown in the Tenancy Act, but also more excessive than would have been tolerated by the previous Muhammadan Government. They are in fact competition rents in which all the risks and all the expense is borne by the tenants. It appears to me impossible that they can exist side by side as in Gournadi with low prevailing rates of cash rents without prejudicing the existence of those low rates by continually arousing the cupidity of landlords. Where cash rates are Rs. 3 and Rs. 4 an acre, what landlord could within the last 30 years have introduced cash rates for contiguous lands of similar fertility of Rs. 12, Rs. 15 and Rs. 18 an acre; yet because the competition rents were produce rents and because the Act was silent on the subject of enhancement of produce rents, while section 40 was a dead letter, this state of things is actually in existence in a large area of Gournadi. The decision of the Hon'ble Member on the commutation question or rather the proposal in paragraph 12 of his memorandum is in itself a compromise which the landlords will resent and which will introduce cash rates of Rs. 12 by side of a prevailing rate of Rs. 3 and thereby make meaningless the whole of the legislation concerning prevailing rates and their enhancement.

It is perfectly true that trouble is likely in Gournadi. It is a marvel to me that there has not been trouble before, but the storm would not have been long delayed. There have been mutterings from other districts already. But it is also true that there would be trouble whether the commutation officer's work is maintained or not. There are solutions, which would set the country at rest, but as yet they have not been suggested. It is right to pity the poor widow, but it cannot be right to make the long-suffering raiyat pay for that pity, nor is it likely that after what has passed, the raiyat will appreciate such vicarious sympathy.

It should be noted further that there are other areas groaning under the same agrarian conditions. I have come across one such in Faridpur where cash rents at the prevailing rate are being converted wholesale into *borga* with a rent of half the crop. The question is not, therefore, entirely local.

What is done is done and we cannot now go back to the condition of things before 1904. We cannot refuse now to commute at all nor can we commute as suggested in paragraph 12 of the memorandum at rates higher than the severest cash rents exacted by the worst landlords in the richest part of Bakarganj. Either course would be an invitation to agrarian trouble in the near future. In my opinion, in cases which have not been appealed, there is no legal power in any authority to interfere. But the commuted rents are unjust, in so far as they cut down the profits of the landlord suddenly without giving them any time in which to meet their altered state. It is historical practice of the English Government to meet similar difficulties by a grant-in-aid to the aggrieved vested interest and it is clear in the present case that this is the honourable course which I have no doubt an English Government would adopt. There appears to be no Indian precedent, but a grant of compensation to the landlords on reasonable though not excessive rates is immeasurably the best expedient to adopt in the very difficult circumstances of the case.

If it be held that the commutation rates should be revised, I would point out that in my opinion the rates suggested in paragraph 12 of the memorandum are impossible. They will create a grievance among the tenants without satisfying the landlords, and I would strongly urge that the imprimatur of Government should not be given in so emphatic a manner to the imposition of cash rents at rates, which as I have said are considerably higher than the harshest existing rates of the worst landlords in the richest parts of the Bakarganj district. No man can foretell how disastrous may be the result of such a precedent. I would, however, in this connection draw attention to the fact that under the Hindu Law one-sixth of the gross produce is the highest rent demandable. As the landlords are high-caste Hindus, this might be borne in mind in commutation. The suggestion may appear fantastic, but it has at least one merit. To restrict the landlord's profit to the sixth sanctioned by the Hindu Law will be to smother opposition, as the whole strength of Hindu orthodox opinion must approve the principle, while a fractious landlord will only make himself a laughing stock amongst his own community. I may also add that if commutation orders only come into force gradually over a considerable period of time, they would be robbed of all their terrors and most of their seeming injustice. I have always been strongly in favour of this course.

I append notes as desired of the Hon'ble Member's memorandum.

REPLIES.

Paragraph 6.—Section 40, Bengal Tenancy Act, directs that the commutation officer shall have regard to both prevailing rates and the valuation of the paddy rent, but it leaves it to the discretion of the officer how much weight he shall give to each in his decision.

I have explained in my report that the remarks about the Director of Land Records are erroneous. The Director of Land Records expressly refrained from giving instructions.

As regards the calculation based upon the probability of enhancement suits, I cannot understand. The period of limitation under section 105 is long passed and the number of enhancement cases filed in Gournadi thana is not 1 per cent. of the number of tenancies. Most of the cases too do not relate to the area in which produce rents are to be found.

Paragraph 11.—Under section 40, I think it cannot legally be refused if an application be made. There are practically no produce rents in any other part of Bakarganj. There are a few in Mehendiganj, and an isolated case here and there; but probably there are five or six times as many in Gournadi as in the whole of the rest of the district.

Another 1,000 cases remain undisposed of in Gournadi; perhaps there may be 500 in the rest of the district, but I doubt if there would be more than 100 or 200.

Paragraph 12.—When the cases come under revision, information may be sent to the tenants through the Settlement Officer, otherwise they are not likely to get it.

As regards priests, I may point out that in their case sympathy is wasted. In the first place, they are family priests whose maintenance is an obligatory charge upon the family which maintains them. If, therefore, the rent be reduced, the family and not the priest must make up the deficiency. In the second place, they claim a rent of half the gross produce, when the religion of which they are the priests sanctions one-sixth only as the maximum which may be taken.

Paragraph 13.—(1) Figures are given in the report.

(2) The records have been sent.

(3) A report is submitted on this point by the commutation officer. It is also dealt with in my report. The report of the officer, Babu R. K. Goswami, is as follows:—

HAVING been ordered to enquire into the allegations contained in paragraph 3 of the petition filed before the Board on the subject of commutation, I visited several important villages in thana Gournadi from where the greater portion of the commutation cases were instituted. The Bakshies of Barhi, the Dasses of Goila and the Dutts of Batajore are the most influential talukdars in the thana. I have talked with these and many other landlords, and what I have learnt from them is detailed below:—

Rules for the determination of proprietors' private land are contained in section 120 of the Tenancy Act. The landlords generally admit that they have no materials to prove that they cultivated the lands as *khamar* themselves, with their own stock or by their own servants or by hired labour for 12 continuous years immediately before the passing of the Tenancy Act, as is provided in clause (a) of the aforesaid section. They, however, assert that all *borga* lands and such *karari* lands as were let out under the *borga* system before the passing of the Tenancy Act, but have since been transformed into *karari* at the request of the cultivators of those lands, are recognised as *khamar* by village usage and should have been so recognised by the Commutation Court under clause (b) of the section. They have attempted to substantiate their plea of "village usage" on the following grounds:—

- (1) That a large number of tenants admitted in cross-examination in the courts of hearing of the commutation cases that *borga* lands are locally known as *khamar* lands.
- (2) That prior to the District Settlement the landlords had the exclusive and unquestionable right to let out their *borga* lands after every harvest to any one they liked, and though, as a matter of favour they allowed any *borga* land to remain in the possession of the same cultivator from year to year, their right to throw him out if he neglected cultivation or otherwise rendered himself unfit for being trusted with the land, was always recognised by the cultivator.
- (3) That in keeping with this custom there existed the other custom that a *borga* cultivator could never reap a crop when ripe without the permission of the landlord. When the crop would become ready for harvest, the cultivator would carry the news to the landowner, who would either send a man or go himself to what is called *tuck* the crop, that is to say, to make the estimate of the outturn and to fix the quantity of crop to be paid by the cultivator.
- (4) That in consequence of the usage to regard *borga* lands as *khamar* or private land, very few suits for realisation of arrears in respect of *borga* lands went up to Civil Courts. When a cultivator fell in arrears in any year, the entire crop grown by him next year would be attached by the landowner, and the arrears for the preceding year and the dues of the current year would be both realised from the standing crop, the excess, if any, being allowed to the cultivator.
- (5) That in many instances the seed for sowing *borga* lands is supplied by the landlords. In the northern part of the thana double the quantity of the seed is supplied. A share of the crop and also the straw and other bye-products are given to the cultivator of the land in consideration of his services and cost of plough and cattle.
- (6) That in the years in which the crop fails the cultivators have to pay nothing to the landlords, although the latter have to pay the seed or twice the quantity of the seed according to the custom of the locality. Thus the risk of the season is very largely shared by the landlords.

I beg to add that here the term "*khamar*" is used to mean all *borga* lands whether belonging to a tenure-holder or to a proprietor. *Borga* lands owned by *bhadralogs* as *karshadars* and let out to under-riyats, are also sometimes called *khamar*. The Tenancy Act, however, recognises *khamar* of only one class of landlords, viz., proprietors. I also beg to point out that under section 116 of the Tenancy Act, occupancy right cannot accrue in a proprietor's private land where any such land is held on a lease for a term of years or from year to year. It is, therefore, clear that in order that occupancy right may not accrue there must be a lease either for a term of years or from year to year. If there be no such lease there is no bar to the acquisition of occupancy right under the law.

Borga and *karari* lands in this part of the district are generally held by persons without any lease*, and these lands also devolve from the father to the son like other occupancy holdings. So the cultivators who occupy such lands have, as far as I understand, every right to be classed as occupancy riyats and are, therefore, entitled to get their produce rents commuted to cash.

(5) A separate report has been submitted on the question of "false" suits for arrears of rents, through the Director of Land Records, as directed.

(12) The tone of this reference is very unsympathetic to the Namas. After all the combination was formed to claim a legal right under section 40. I might also add that the *bil* tenants have been a thing apart for years. They were originally driven to the *bils* by the oppression of the higher castes; and previous to permanent settlement these colonies owned nobody as landlord. It was we who handed them over for nothing by the permanent settlement to those very higher

* This is not quite accurate. It is very rare to find a lease for *borga*; but there is quite a large number of cases of leases for *karari*. There are no leases for a term of years or from year to year. Where there is a lease, the landlord does not think that he can evict his tenant or change him at will. There has of late years been a considerable conversion of *borga* into *karari*. Under *borga*, the landlord got considerably less than his *karari* rent and the amount fluctuated from year to year. The tenants specially detest the *karari* system.

castes from whose oppression they had sought shelter in the *bils*. These same higher castes had reaped always where the Namas only sowed. Now it is proposed apparently to throw them once again to feed the rapacity of the wolves.

As regards the dying out of the movement many applications have been made to the Collector, but they have been refused without enquiry.

(17) Again I venture to doubt whether revision is legal.

VI.

No. 5303 L. R., dated Bakarganj, the 12th March 1909.

From—W. J. REID, Esq., I.C.S., Collector of Bakarganj,

To—The Commissioner of the Dacca Division.

WITH reference to your memorandum No. 1359 L. R., dated the ^{28th}/_{31st} August 1909, forwarding copy of your endorsement on a Note by the Hon'ble First Member of the Board of Revenue, Eastern Bengal and Assam, regarding the commutation of rents in Bakarganj, I have the honour to forward copy of the report of the Settlement Officer and to return the original petition. The report was received by me in the end of January when the Commissioner, Mr. Nathan, was in Barisal. It was discussed to some extent by Mr. Nathan, Mr. Jack and myself, and was then, at Mr. Jack's request, returned to him so that some further information might be supplied. I have just received the report back from the Settlement Officer, and as it contains much new matter in a rough form, I have, at his request, had the whole report fairied.

2. I am not competent to discuss the general question, and the views expressed by Mr. Jack are so decided that comment on my part is hardly necessary. It seems to me, however, that the first point to be settled is whether Mr. Jack is or is not right in holding that proceedings under section 40 of the Bengal Tenancy Act are judicial proceedings.

3. It seems to me that on whatever principles commutations may be, the effects are bound materially to alter the present position of the landlords. The effect on comparatively large landlords, and, for instance, on poorly paid clerks in Government service are, however, very different. The former have only to face a diminution of profits, while a landlord of the latter class may find his whole domestic balance-sheet upset. He must have rice to feed his household, and of this he was assured under the system of produce rents. Again the purchasing power of money varies while paddy is always the ultimate measure of other commodities. I feel, however, very strongly the force of Mr. Jack's contention that sympathy for the impoverished landlords must not blind us to the burdens that press on the rayat.

4. As regards paragraphs 9 and 10 of the Hon'ble Member's Note, I am unable at present to offer any explanation. The situation is being carefully watched, and I trust that later on in the year, when I have had time to tour in the area concerned, I shall be able to make some useful suggestions. I put forward for consideration the possibility that, while a landlord naturally resents the reduction of the returns from the land, he must have at heart some doubt as to whether Government will assist in perpetuating what he knows to be rack rents.

5. As regards Mr. Jack's suggestion that commutation orders should come into force gradually over a considerable period of time, I do not see how, under the existing law, effect can be given to this. The grant from Government of compensation to the landlords is an attractive solution of the difficulty, and if the principle is accepted, it should not be a very difficult matter to work out definite proposals.

6. The enclosures to Mr. Jack's report are forwarded in original.

VII.

No. 638 L. R., dated Dacca, the ^{9th}/_{10th} June 1909.

From—THE HON'BLE MR. H. LEMESURIER, C.I.E., I.C.S., Commissioner of the Dacca Division.

To—The Secretary to the Board of Revenue, Eastern Bengal and Assam.

I HAVE now the honour to submit the report promised in my letter No. 137 L. R., dated the 21st April 1909, to your address regarding the subject of the proceedings for the commutation of rent at the Gournadi thana in the Bakarganj district.

2. The history of these proceedings is that during the year 1903-04, when Mr. Beatson Bell was Settlement Officer of the district, the practice prevailed of commuting rent during and as part of attestation proceedings. Although the then legal advisers of Government believed this procedure to be correct, it was subsequently ruled to be illegal, and accordingly a special officer was appointed with the powers of a Collector to re-hear

and finally to dispose of the cases which had become invalid in consequence of that decision. It would also appear that he proceeded to entertain and dispose of as many other applications as were made to him. In the absence of any reference to the orders appointing him, I cannot say whether in doing so he exceeded his powers, but I apprehend from the Hon'ble Member's note that it was not intended that he should do so, but that all other persons desiring to commute their rent were expected to apply to the District Collector in the ordinary course.

3. Be this as it may, the practical result was a great rush of applications for commutation, and as most of them were granted, there has been a very great and sudden decrease in the income of the landlords whether they received their share as a fixed quantity of paddy or as a certain proportion of the gross crop. These landlords have accordingly petitioned simultaneously the Commissioner and the Board of Revenue, and the Hon'ble Mr. Savage was pleased to make a local enquiry and to deliver certain instructions, at the same time calling for a further report as to their probable effect. I may mention that altogether 81 regular appeals and four petitions for revision were lodged by interested parties before my predecessor, but orders thereon have been deferred until the Board's pleasure on the general question shall be known. The Hon'ble Mr. Savage's note on the memorial was transmitted by Mr. Nathan through the Collector to the Settlement Officer, Mr. J. C. Jack, and the latter has submitted a very full report which, together with two volumes of statistical information called for by the Board and the original memorial, is submitted herewith. It only remains for me to forward the Collector's comments thereon and to add my own. In the interval I have had the advantage of a personal discussion with Mr. Beatson Bell and Mr. Reid and, though as I have not been able to make a local enquiry, I cannot yet claim to be thoroughly conversant with the local conditions, I have arrived at certain conclusions which I venture to submit for the consideration of the Board.

4. I think there can be no doubt that in a general question such as this the Board of Revenue, as the chief controlling authority, has full power to enquire, to criticise and eventually to take such measures as the regulation constituting the Board or the special Act bearing on the particular question, may give it for the purpose. Whether the individual cases under section 40 decided by the Revenue Officer in Gaurnadi were judicial proceedings or not, the Board has the fullest power to consider their effect and to suggest an equitable course by way of remedying defects which may have become manifest, before proceeding to require action to be taken for the purpose of setting any particular case aside. I have read Mr. Jack's report with great interest and recognize the high spirit of sympathy with the poor and the burning hatred of injustice and oppression by which it is characterised, in common with all that officer's work. It appears to me, however, that he has generalised too much. I have examined as far as possible the list of 1,300 cases, regarding which information is given in the two volumes of enclosures to his report, and I find it impossible to deduce any generally or even widely applicable conclusions from them. In many cases the holder of the property is not a single raiyat or family but several (as is evidenced by the name "so and so" and "so and so and others") and presumably having regard to the smallness of the fields, this means that in many cases they are not the tenant's only holding or his only means of livelihood. Rents also vary enormously from one field to another and it seems quite impossible at once to say whether it is on the face of it unjust or where it is reasonably proportionate to the assets. Evidently it is much easier to arrive at a conclusion on the latter point in the case of *borga* lands where the rent is a fixed proportion of the crop than in *karari* lands where it is fixed absolutely at a certain number of measures of paddy. Now, whatever may be the economic disadvantages of the Metayer system or other rents paid on the profit-sharing basis and though it may be conceded that in the absence of a system of irrigation kept up by the landlords such methods have no valid *raison d'être* and are altogether discouraging to the interests of good agriculture, I do not find sufficient evidence that they are altogether new or have been imposed by improper methods or with a view to defeat the provisions of the Tenancy Act. Even if these inferences be correct, it would be extremely unsafe to interfere with the effects of prescription after an interval of 20 or 30 years, and I think there is some ground for believing that before the Tenancy Act was introduced these lands were actually believed to be *khamar* or proprietary. As the Hon'ble Mr. Savage has put it, the idea that *khamar* land was confined only to zemindars was an innovation by the Tenancy Act, and if the landlords took more stringent measures to prevent the growth of occupancy rights therein after the Act was passed, it does not follow that such action was in bad faith though it may have been illegal.

5. I venture to think that though the *borga* system is a bad one, it was probably accepted without hesitation by the tenants as well as by the landlords. The cyclone of 1876 is quite likely by its effects on the district to have stimulated a tendency to take and pay rents in kind rather than in cash at a time when money was scarce and dear and when communications with markets for the grain was insecure. On the other hand it would seem that the *karari* system was a later development and that to it may fairly be applied the presumption of greed and unfairness which Mr. Jack attaches to produce rents of both kinds. It appears to me in fact that whereas a *borga* rent need not be looked upon as otherwise than a voluntary and equitable transaction (though to the tenant a less profitable one than if he had originally stipulated to pay in cash), there is a distinct ground for careful examination of a *karari* rent and for considering whether (as in many of the cases cited by Mr. Jack) it is not so manifestly excessive as to negative any presumption that it can have been voluntarily or at least intelligently accepted.

6. Three general classes have thus been established: (1) *borga* rents, (2) *karari* rents which, on an examination of the assets of the soil, are proved not to be unduly oppressive, and (3) *karari* rents which lay on the tenant a burden greater than he can bear and which he would never have accepted had he known what he was binding himself to or had the option of refusing them. In addition, the Hon'ble Mr. Savage has drawn a further distinction of cases where the proprietors are poor or solely dependent on small quantities of land; and I may add another class appears, that of tenants who cultivate only a small field and are themselves dependent on it for their food. It seems to me, therefore, that the question cannot at once be dealt with by general orders, but that there must be a general enquiry and thereon specific recommendations should be made wherever hardship is found. In this view I am supported by the powerful authority of Mr. Beatson Bell. He tells me that during the original commutation proceedings at attestation during 1904 he advised his assistants that the money rent after commutation should be from 25 to 50 per cent. above the average cash rent of the locality. This was before the great rise in prices and in the then existing circumstances it was, he thinks, a fair working solution of a difficult problem.

7. When the special officer was appointed to dispose of the applications, Beatson Bell refused to give him any instructions in one direction or the other, and Mr. Jack points out that the officer in question had had previous experience in commutation in other parts of the province, and doubtless he used his discretion in the decision of the cases. At the same time I have no doubt that he bore in mind the advice which Mr. Beatson Bell had given to his predecessors on the former occasion and that he gave to it the attention which so great an authority deserved. If so, however, it is very probable that he did not sufficiently allow for the effect produced by the great rise in prices in the interval.

8. I may here observe that Mr. Jack appears to be mistaken in speaking of 1,000 cases still undisposed of in Gouruadi and 500 in the rest of the district. There are no commutation cases pending in the file of the special officer. Presumably Mr. Jack refers to produce-paying tenancies in which no application for commutation has yet been made. Applications in respect of these can still be made by the tenants or the landlords to the Collector at any time. I do not understand the Hon'ble Mr. Savage to have given any orders that such applications were to be rejected. I understand him to have informed the Deputy Collector that his work was finished when he disposed of the cases in which commutation had been granted during attestation, but subsequently quashed on the legal point.

9. Before dealing with Mr. Jack's suggestion that the results of the commutation proceedings should be confirmed and compensation offered to the landlords, I think the effects of a revision should be tried. I observe there is evidence in a petition presented by gentlemen styling themselves "A select committee elected by the landholders of Gaurnadi" of readiness to accept such a revision as the Hon'ble Mr. Savage has suggested, in satisfaction of their claims, and I have little doubt the tenants would gladly accept this where enquiry shows that it is equitable, if thereby they could rid themselves of the civil suits for arrears which overhang them. I suggest, therefore, the following course which Mr. Beatson Bell has been good enough to explain to me:—

- (i) The revisional power of the Board having been taken for granted, it is submitted that it would be better, instead of a wholesale revision or even a revision in all those cases where the landlord is poor, to limit it to cases where a specific motion has been made to the Board or to the Commissioner and to those cases which the Collector of his own motion after local enquiry may submit for revision.
- (ii) In all cases so submitted for revision, the Collector, the Settlement Officer or the Deputy Collector appointed should summon the raiyat and record his statement which should be forwarded to the Board with such notes as appear necessary.
- (iii) Each case so submitted should be dealt with upon its merits. The difference between the average cash rent of the locality and the value of the existing produce rent should be calculated. Such percentage of this difference as seems fair and equitable in each case should then be added to the average cash rent. For example—

					Rs.
Average cash rent	...	...	...	...	4
Value of produce	...	...	...	...	14
Difference	...	...	...	...	10

Then add to Rs. 4—

Either 10 per cent. of Rs. 10—Re. 1,
or 20 " " " 10—Rs. 2,
" 30 " " " 10—" 3,

and so on according to the circumstances of the case. This method would bring into play both section 40 (4) (a) and section 40 (4) (b) of the Tenancy Act and is sufficiently elastic to meet all cases. The considerations which should govern the percentage to be added in each case would be those stated in the body of this report and primarily would enable a broad

distinction to be drawn between ordinary *borga* rents, where the tenant should, I think, be presumed to have accepted the system in the first instance of his own free will (though it is now to his disadvantage) and those cases of *karari* assessment where a manifestly oppressive, even impossible, demand has been imposed upon him by methods which it is *a priori* certain were not legitimate.

VIII.

No. 905 S. & S.—T., dated Shillong, the 9th July 1909.

From—J. T. RANKIN, Esq., I.C.S., Secretary to the Board of Revenue, Eastern Bengal and Assam,

To—The Commissioner of the Dacca Division.

I AM directed to convey the thanks of the Board for your interesting report on the subject of commutation of rent in the Gaurnadi thana of the district of Bakarganj, submitted with your letter No. 638 L. R., dated the 9th June 1909, and to request that action should be taken as suggested in paragraph 9 thereof.

Member in charge :
THE HON'BLE MR. H. SAVAGE, C.R.I. I.C.S.

IX.

No. 1058 L. R., dated Barisal, the 10th June, 1914.

From—A. W. BOTHAM, Esq., I.C.S., Collector of Bakarganj,
To—The Commissioner of the Dacca Division.

I HAVE the honour to refer you to your No. 1004 L. R., dated the 16th-17th July 1909, on the subject of the commutation of produce rents in thana Gaurnadi of this district.

2. In paragraph 9 of your predecessor's No. 638 L. R., of 9th June 1909, to the address of the Secretary to the Board of Revenue, it was suggested that in cases in which a specific motion had been made to the Board on which the Collector of his own motion might submit for revision, a Settlement Officer or Deputy Collector should summon the raiyat and record his statement which should be forwarded to the Board with such notes as appear necessary; and that each such case should then be considered on its merits. This suggestion was approved by the Board.

3. Babu Atul Chandra Guha, Deputy Collector, was selected to make the necessary enquiries, and I now have the honour to submit his report which is the result of very careful enquiries and which, I hope, gives all the information required.

REPORT.

One hundred and eighty-seven commutation cases were made over to me for enquiry and report. The number is made up as follows:—

Cases remanded by the Commissioner on appeal or in the exercise of his revisionary jurisdiction	81
Cases which the Collector has been moved to refer to the Commissioner for revision	106

I have finished the mufassal enquiries in all the 187 cases, but agreeably to the instructions of the late Collector, Mr. Reid, I propose in the present report to deal only with the cases sent back on remand. The remaining cases filed before the Collector may wait, pending the result of the appeals.

I took up these cases at convenient local centres and endeavoured as far as possible to bring myself within the easy reach of all concerned. I devoted to the work about 29 days in camp, taking down the statements of the tenants, as also of the landlords whenever they offered to make any; holding enquiries on the spot; and often going about from field to field and house to house with a view to ascertain the pressure of the rent upon the soil, and to form an idea of the material condition of the parties concerned.

I regret that the exigencies of criminal work at Sadar prevented me from going out on tour earlier than February and from remaining in camp for more than 10 or 12 days at a stretch, which caused undue delay in the disposal of the cases and much loss of time in moving to and from headquarters.

The result of my enquiries has been noted separately in each case in three different parts—

Part I.—Tabular statement setting forth particulars of the holding in the form appended—(vide Appendix I). The information set forth in the table has been partly gathered by me at first hand and partly compiled from statistics prepared by Babu R. K. Goswami, Assistant Settlement Officer, who was originally entrusted with the work.

Part II.—Statements of tenants who were summoned by me in accordance with instructions laid down by the Commissioner and statements voluntarily made by the landlords. The statements referred to points, more or less material to the decision of the cases, the more important among which will be found summarised in Appendix II.

The tenants in 7 cases did not appear, though I did my best to secure their attendance. First of all, instruction was given to them through the police or Collectorate peons; then chaukidars were sent out to fetch the tenants who still held back. The number of such recusant tenants was comparatively small. An impression seems to prevail among them that by entering appearance, they have nothing to gain and may lose the right to contest the legality of the present proceedings.

Short history of
commutation.

It may not be out of place here to give a short history of these proceedings. When the settlement of the district reached what is technically called the "attestation" stage, the practice was introduced of commuting produce to money-rents. The practice was subsequently held to be illegal, as section 40 of the Bengal Tenancy Act in the form in which it then stood, gave no authority to the Settlement Officers or their Assistants to commute rents at the attestation stage. To cure this illegality, one of the Assistant Settlement Officers, Babu R. K. Goswami, was specially empowered by the Local Government to deal with these applications for commutation and to proceed with them *de novo*. Nearly all these applications were granted, but the money rent fixed was much below the value of the produce which hitherto fell to the landlord's share. The result was a great and sudden reduction of the rent-roll which the landlords bitterly resented. They filed a large number of regular appeals, and in those cases in which the time for appeal had expired, petitions for revision. They also submitted memorials to the Board and to the Commissioner, setting forth their hardships and grievances. The Hon'ble Member (Mr. Savage) then in charge of Land Revenue, placed on record his opinion that the commutation officer (Babu R. K. Goswami) has paid very little regard to the value of the existing produce rent and thus ignored the provisions of clause (b), section 40 of the Bengal Tenancy Act. Out of deference to these views, the Commissioner sent back all these cases to the Collector for revision, and the Collector made them over to me for enquiry and report.

In proposing money rents, I have kept in view the instructions laid down by the Commissioner, which are summed up below:—

The money-rents should be fixed at—

- (i) the average cash rent of the locality; *plus*
- (ii) such a percentage of the difference between this average cash rent and the value of the existing produce rent, as is fair and equitable according to the circumstances of each case.

In determining the percentage to be allowed in each case, the following are the chief factors which I have taken into account:—

FACTOR No. 1.

The degree of freedom with which the contract was entered into by the tenant.—Whether acceptance or its terms was secured by undue influence or pressure; or was there a voluntary and intelligent privity of contract between the parties.

Liberty of contract.

FACTOR No. 2.

The relation which the existing produce rent bears to the assets of the holding and the incidence of its pressure upon the soil.—If the landlord has driven so hard a bargain that it has hitherto left but little to the raiyat to live upon, the fact should now be discounted in fixing money-rents. In such hypothetical cases, the far too high produce rent received by the landlord in the past, has gone a great way to raise the basis on which the percentage now to be allowed to him will be calculated, and it would be unfair to let the landlord take advantage of this fact and to come in for an unduly large share of profits for a second time. This rule should be strictly applied, as the State has imposed upon itself the obligation to protect the interests of the raiyats (article VII, Regulation I of 1793).

Pressure of rent.

At first sight it might appear that these two factors are identical. Ordinarily no doubt the ratio which the rent bears to the assets, furnishes a measure of the degree of freedom with which the tenant acted, but these two conditions do not always go together. It is possible to conceive other circumstances which influenced the will of the raiyat and induced him to deliver to the landlord an exorbitant share of the produce, rather than pay the rent in cash; for example, such circumstances as (a) the scarcity of money after the great cyclone of 1876, (b) the difficulty of securing a market for the produce, (c) exemption from the payment of *salami*, etc. Both under the *bargi* and *karari* systems it is usual for the landlord to appraise the crops in the field or in the threshing floor and this is no small advantage to the raiyat as it does away with the necessity of carrying the produce to the market and saves the cost of conveyance.

FACTOR No. 3.

Compensation to the landlord for loss of *salami*.—Usually no premium is paid on the creation of a produce-paying tenancy and in none of the cases under consideration was any such premium paid. If the land were let out at money-rent, a *salami* would be payable according to ordinary usage and it seems to me that the landlord is entitled to reasonable compensation for the loss entailed on him by the system of rent in kind.

Compensation for loss of *salami*.

FACTOR No. 4.

Extreme poverty of the landlord or tenant.—This factor seems to me to be adventitious and has but little to do with the essential conditions of land-holding. In my humble opinion, the holding should not be made responsible for circumstances which were possibly brought about by personal causes, such as the imprudence, folly, idleness or incapacity of the particular party concerned. While admitting that the extreme indigence of the landlord might form a ground for refusing commutation altogether, where it is shown that the change would deprive him of his means of subsistence, I am not quite sure that it should be allowed for, in adjusting the rent of the holding. The superior authorities have, however, decided that this factor should be taken into account.

Extreme poverty of parties.

These are all the factors which seem to have a claim upon the attention of the commutation officer.

In order to secure a fair equation between conflicting interests, I have assigned a maximum number of marks to each factor according to its importance. These marks correspond to the percentage which, in my opinion, should be allowed on account of each factor.

Award of marks.

Factor No.	Per cent.
Factor No. 1	20
" No. 2	20
" No. 3	10
" No. 4	+ or - 5
(Poverty of landlord = +5)	
(Poverty of tenant = -5)	

I would illustrate my method by an example.

Where—

- (i) the raiyat was entirely a free agent in making the contract,
- (ii) the existing rent is reasonably proportionate to the assets of the holding,
- (iii) no premium was paid on the creation of the tenancy,
- (iv) the landlord and the tenant are both fairly well off.

- 20 per cent. has been allowed for factor No. 1.
- 20 per cent. has been allowed for factor No. 2.
- 10 per cent. has been allowed for factor No. 3.
- Nil per cent. has been allowed for factor No. 4.

Total ... 50 per cent.

In other words in a case like this, 50 per cent. of the difference between—

- (a) the average cash rent of the locality, and
- (b) the value of the existing produce rent has been added to the former (a). The result has been found to coincide with the mean between (a) and (b).

Thus—

If x stands for the average cash rent, and
 y stands for the value of the existing produce rent

$$x + \frac{y - x}{2} = \frac{x + y}{2}$$

Under section 40 of the Bengal Tenancy Act (a) and (b) seem to represent the two extreme points of the compass within which commutation should be confined and it would be reasonable in ordinary cases to fix the rent at the mean between the two.

In none of the cases under appeal has factor No. 4 come into play. It is difficult to gather correct information regarding each co-sharer landlord. The number of such landlords is very large and sometimes exceeds 20 or 30.

Cases calling for special treatment.

During the course of my enquiries, I have come across some very poor widows and destitute persons, whose cases call for special treatment, but they have not appealed against the decisions of the commutation officer. I am afraid they had no competent advice or sufficient means to carry the matter to the higher authorities in appeal. They have, however, put in applications to the Collector, praying for revision, but it seems doubtful whether the Collector has any power to interfere and give them relief. The legal aspects of the question have been discussed at some length in another part of the report.

Examination of the results arrived at.

Produce-paying tenancies may be divided into two classes:—

- (1) *barga*.
- (2) *karari*.

Barga and *karari* compared.

Limits of per centage.—

- Fifty per cent in *barga*.
- Forty per cent in *karari*.

Under *barga* the landlord receives a proportion of the gross produce, occasionally supplies the seed, and shares the risks of the season equally with the tenant. In regard to this class, it may be said generally that the percentage allowed has reached the ordinary limit of 50 per cent. But the allowance has come up to 40 per cent. only in the case of *karari* leases under which a fixed measure of grain is payable as rent. This is quite in accordance with the fitness of things, as under the *karari* system all the risks of the season and the cost of cultivation fall upon the tenant alone. The *karari* rent usually represents more than one half of the average crop, leaving the tenant the surplus produce of fat years when it sells at low prices and taking from him all or nearly all the crops in lean years when the prices are prohibitive. Whatever may be the disadvantages of land held on a profit-sharing basis, it compares favourably with the oppressive *karari* system.

Standard outturn of paddy.

A *khat* is generally equal to 1·7 acres.

A *kathi* is generally equal to 20 seers. (80-tola weight.)

A *kathi* generally yields 10 seers (80 tolas) of rice.

In the case of *barga* leases, the landlord's share of the produce is an indeterminate quantity, liable to variation from year to year, and the accuracy of the crop estimate is a matter of the utmost importance. On this depends the value of the existing produce rent (column 8 of tabular statement) and through column 9 it ultimately affects the amount of rent to be fixed on commutation. I made minute enquiries to ascertain what is the standard outturn of paddy and interrogated many villagers, mostly cultivators, not in any way interested in the present proceedings and there was a consensus of opinion that the average annual outturn of the uplands was 70 *kathis* of paddy per *kani* and that of the low *bhil* country 90 *kathis* per *kani*. Considering how precarious are the crops in the low marshy regions on the western borders of Gaurnadi, how very liable to damage and destruction by floods, I am inclined to put down an all-round average of 70 *kathis* for both high and low lands, but, to be quite on the safe side, I would take a still lower average (60 *kathis* per *kani*) for the purpose of estimating the gross produce. Babu R. K. Goswami's estimate falls much below the limit, being very often between 40 and 50 *kathis*. In most of the cases the landlord did not appear before him and he had perforce to accept the tenants' estimate, however low. I have adopted Babu R. K. Goswami's figures as the basis of my calculation, for I thought that it would be beyond the scope of the enquiry entrusted to me to go behind his findings of fact, but I would recommend that an extra percentage (10 per cent.) might be allowed to the landlord as a set off against under-estimate. It will not be necessary to make any extra allowance in the case of land under the *karari* system, where the rent is a fixed quantity of grain as defined in local measure.

Extra percentage proposed.

As said above the money-rents proposed by me generally represent a mean between the average cash rent of the locality and the value of the existing produce rent. I have instituted another test to find out whether this constitutes a fair and equitable rent. I have assumed that a third of the gross produce would be a fair share to be given to the landlord under the cash rent system, as both the cost of cultivation and the risk of the season fall upon the tenant. I have examined the proposed rents in order to see whether they conform to this theory; and the application of this test has justified the results arrived at. In a large majority of cases, the proposed rents would allow to the landlords about one-third of the gross produce, a little more or less according to the circumstances of each case. This remark is specially applicable to *barga* tenancies. In *karari* holdings which were hitherto much too heavily rack-rented, the landlord's profits have in many cases fallen just short of this mark.

The tenant gets one-third for cost of cultivation and risk of season, and the balance is equally divided between him and the landlord.

Value of the produce rent at the inception of the tenancy.

In the case of produce-paying tenancies created more than 30 years ago, I have endeavoured to ascertain the value of the produce rent which was in force at the inception of the holding and to compare it with the amount now suggested. It has been found that the latter is much in excess of the former. But this does not detract from the fairness of the rents now proposed. Coming to a rise in prices, the proposed rents would scarcely buy in these latter days the same quantity of grain as was deliverable to the landlord under the former system. Where rent is paid in kind, this very fact discounts the rise of prices by a self-acting machinery and this should be allowed for in converting produce to money-rent.

Appendix III.

From the accompanying statement it will be seen that the money rents now proposed represent an increase of 27 per cent. over the amount fixed by Babu R. K. Goswami. Considering all circumstances and bearing in mind the fact that rents once commuted are not liable to enhancement within the next 15 years (*vide* section 40 A. of the Bengal Tenancy Act) I am inclined to think that the landlords are fully entitled to this increase.

The proposed rents fall far short of the profits which the landlords used to get during the last 20 years or more. To avoid a sudden and violent disturbance of the profits to which they were so long accustomed, I would suggest that the proposed rents be brought into effect two or three years hence. This will give the landlords time to adapt themselves to the changed situation which they have been suddenly called upon to face and I have no doubt that it will rob commutation of much of its horrors and seeming injustice.

Postponement of the operation of money-rents.

The landlords may deserve much of the execration to which they have been held up, but it should not be forgotten that at the inception of these produce-paying tenancies, the advantages were not all on their side. The scarcity of money after the cyclone of 1876, the difficulty of securing a suitable market for the produce, the insecurity of communications with such market, have no doubt had their influence on the raiyat in inducing a preference for the system of rent in kind.

I am of opinion that there are strong grounds for allowing commutation. The *barga* system is liable to abuse and I am persuaded that it has been used in the past as an instrument of oppression. The landlords at the time of appraising the crops would make estimates much in excess of the reality and the raiyat would in most cases be too ignorant or helpless to oppose him. The landlord's underlings employed in preparing *tuck* lists (estimate of produce) would have to be bribed. The landlords are not in the habit of giving proper acquittance for the produce delivered to them as their share or of rendering accounts, and the result is that the raiyat is always deep in their books and despairs of ever extricating himself from the meshes that have closed round him.

Grounds for allowing commutation.

The evils of the *barga* sys. em.

The *karari* system is even worse—the rent exacted constitutes a most exorbitant share of the produce. The raiyat can never prosper under the crushing weight of so heavy a burden. All the cost of cultivation is borne by the raiyat and all the risks of the season fall on him entirely. The conditions of the tenancy offer no inducements to the landlords to provide facilities for irrigation or to make improvements on the holding and it is difficult to conceive circumstances more discouraging to the interests of good agriculture.

The greater evils of *karari*.

In half a dozen cases the raiyats have given *kabuliyats* agreeing to pay a specified sum of money as price in the event of their failure to deliver the stipulated quantity of produce. It has been urged on behalf of the landlords that the raiyat is bound by the terms of the contract to pay the price named. I differ from this view and think that the landlord has no right to the pound of flesh claimed by him. The price named in most cases is so exorbitant as to raise the presumption that the contract is unconscionable. Further, I am inclined to hold, following 3 C. W. N. 151 and 14 C. W. N. clxxxiv, that the money value was attributed to the paddy for purposes of stamp duty and registration only. It also appears that the raiyat was scarcely cognisant of the full effect of the penal provision and in this view it cannot be said that there was privity of contract between the parties. But it is scarcely necessary to go into the merits of this controversy. It does not seem to be within the province of the Revenue Officer, acting under section 40 of the Bengal Tenancy Act, to construe documents or to give effect to them, and I am of opinion that the terms of the *kabuliyat* need not be taken into account in commutation. The very process of commutation means an essential variation of the contract for the payment of rent in kind and aims directly at the supersession of the *kabuliyat* under which produce rent is payable to the landlords.

Some points of law.

Contracts for the payment of money in lieu of produce.

In most of the cases under consideration it has been claimed that the holding comprises *khamar* land over which no occupancy rights can be acquired (*vide* section 116 of the Bengal Tenancy Act.) Under section 40 *ibid.*, none but occupancy raiyats are entitled to apply for commutation. But it appears that many of the landlords concerned possess no more than the interest of a tenure-holder and are not proprietors within the meaning of clause 2, section 3 of the Bengal Tenancy Act, and thus their claim is untenable, on the very face of it. As for the rest, whose interest is proprietary, no evidence is forthcoming to show that the land constitutes their *khas khamar*. None of the lands have been entered as *khas khamar* in the *kabuliyat* (where it exists) or in the record-of-rights. In no case is the land contiguous to the landlord's homestead which negatives the presumption of *khamar*. Moreover, the tenants have been recorded in settlement as settled raiyats and no evidence has been adduced to rebut the presumption raised by the record-of-rights. This claim may, therefore, be well left out of consideration.

Landlord's claim to *khamar*.

Among the cases sent back on remand, are some applications for revision filed after expiry of the time prescribed for appeal. Though commutation proceedings are subject to appeal, it is doubtful whether they are open to revision. Section 40 of the Bengal Tenancy Act, lays down that orders of commutation are subject "like ordinary revenue proceedings" to appeal, but it does not invest the superior revenue authorities with revisionary jurisdiction. The provisions of the Bengal Tenancy Act relate to rent and not to revenue; the Board and by delegation the Commissioner, have been vested with the superintendence of land revenue only (*vide* Regulations III of 1822 and I of 1829). The form of words used "like ordinary revenue proceedings" seem to imply that orders of commutation do not actually fall within that category, but that the ordinary revenue procedure has been extended so as to cover proceedings under section 40.

Whether commutation orders are open to revision.

In the case of *barga* tenancies here, as in Bihar, ancient local custom does not recognise any right to the land in the cultivator but merely to a share of the produce raised. The landlords find it difficult to reconcile themselves to the comparatively recent innovations of law which declare produce-paying tenants capable of acquiring the status of occupancy raiyats. They resent this statutory provision as an unjust interference with the customary rights confirmed by long prescription.

Whether *barga* tenants have any right to the land they cultivate.

These proceedings have greatly embittered the relations between landlord and tenant and set them by the ears. In spite of the orders of commutation, the landlords refuse to accept money rent and insist on the payment of produce as before. I came across several cases in which the landlords have sued their tenants for alleged arrears and in execution of decrees sold them out of all they had.

I am afraid that the proposed rents will fail to satisfy the landlords, being much below the value of the produce they have been accustomed to receive, and that they will try to overreach our orders. Of course no suit lies in the Civil Court by which the propriety of an order under section 40 can be questioned (3 C. W. N. 311) but the landlords will try to dodge round and in suits for recovery of arrears of produce rent (which they will continue to bring in spite of commutation), raise side issues tending to neutralise the effect of our orders. For example, they may raise the issue—

- (1) that the tenant is a non-occupancy raiyat and as such not entitled to apply for commutation, and that the commutation has, therefore, been illegal and of no effect;
- (2) that tenants holding under the *karari* system are raiyats holding at fixed rates and not occupancy raiyats.

The result is no doubt uncertain, and it is likely that the ultimate victory will rest with the tenant; but the landlords (I mean such among them as have got sufficient means like the Poddars of Medakul, the Dass of Golla, the Dattas of Batajor, etc., will give hard fight up to the High Court and I am afraid that the proverbial laws delay and the expense of litigation will prove ruinous to the poor raiyat.

Having regard to the difficult situation, I tried my best to throw oil over troubled waters and to effect a compromise, but I regret that my efforts met with little success—only 13 cases having been amicably settled.

ANUL CHANDRA GUHA,
Deputy Collector.

The 7th June 1910.

X.

No. 2906 R., dated Dacca, the 20th February 1911.

From—THE HON'BLE MR. W. J. REID, I.C.S., Offg. Commissioner of the Dacca Division,

To—The Secretary to the Board of Revenue, Eastern Bengal and Assam.

I HAVE the honour to invite a reference to this office memorandum No. 752 L. R., dated the 21st June 1910, submitting copy of letter No. 1058 L. R., dated the 10th June 1910, from the Collector of Bakarganj, on the subject of the commutation of produce rent in thana Gaurnadi of that district.

2. Since then I have heard and decided 80 appeals which were pending in the court of the Commissioner, upholding in the great majority of cases the awards of the Deputy Collector, Babu Atul Chandra Guha, who had followed in his awards the principles outlined in his report. In a few cases I raised his awards to something nearer the standard obtained by adding to the average cash rent in the vicinity 50 per cent. of the difference between this and the average annual value of produce rents actually received during a period of ten years. These were mainly cases in which it seemed to me that the Deputy Collector has misread the orders of the Hon'ble Mr. LeMesurier remanding the appeals for further report. In some of the appeals pleaders appeared, but in a great many the appellants did not take the trouble to be represented before me. So far as I am aware no second appeal has been presented to the Board against any of my orders; and if this is correct it may, I think, be said that for the present this matter of commutations in Bakarganj is at an end.

3. In addition to the eighty regular appeals just mentioned, four petitions of a general nature were presented to the Commissioner by groups of landlords in Gaurnadi. These protested generally against commutation being allowed. They were sent to the Collector for report and his reply followed the same lines as does the report of Babu Atul Chandra Guha. I have, therefore, informed the petitioners that all appeals regularly presented have been decided, and that it is open to any other landlord who feels himself aggrieved to apply specifically to the Board or to the Commissioner for revision. In this I have followed paragraph 9 of the Hon'ble Mr. LeMesurier's letter No. 638 L. R., dated the 9th June 1909, which was accepted by the Board in their Secretary's letter No. 905 S. & S.—T., dated the 9th June 1909.

4. I have from time to time made particular enquiries as to whether there is any likelihood of the apprehensions of the Hon'ble Mr. Savage being realised and of there being an outbreak of lawlessness in the Gaurnadi thana. So far as my information goes, I cannot find that for the present, at all events, any such danger exists. The situation will require careful watching on the part of the Collector, particularly if the landlords can sue on any large scale to recover arrear rents from their tenants. I repeat, however, that in my opinion there is no immediate danger.

XI.

No. 3996 L. R., dated Barisal, the 6th January 1912.

From—A. W. BOTHAM, Esq., I.C.S., Collector of Bakarganj.

To—The Commissioner of the Dacca Division.

In continuation of my letter No. 1058 L. R., dated the 10th June 1910, on the subject of the commutation of produce rents in thana Gaurnadi of this district, I have the honour to forward a further report from Babu Atul Chandra Guha, Deputy Collector, containing the results of his enquiries in respect of those cases in which applications for revision were filed after the expiry of the period prescribed for appeal.

2. In a number of cases, the particulars of which have been noted in Appendix I, the tenants executed kabuliyats after the passing of the Bengal Tenancy Act, binding themselves in the event of their failure to deliver the stipulated quantity of produce, to pay specified sums of money in excess of the value of the existing produce rent. In two cases in which similar kabuliyats were executed before the passing of the Bengal Tenancy Act, the Hon'ble Members of the Board of Revenue held that, as section 178 (3) (g) of that Act did not apply, the contracts were valid and binding against the tenants, but they refused commutation in these cases in order to avoid the hardship which the enforcement of such bargains would entail (*vide* Board's judgment in appeals Nos. 21 and 22 of group No. 1 of 1911). The Hon'ble Members did not, however, indicate what course they would have adopted, if the kabuliyats were executed after, instead of before, the passing of the Bengal Tenancy Act, and I have thought it proper to report all such cases for orders.

3. In one case (entered in Appendix II) it has been found that the tenant had no right of occupancy when he applied for commutation, and he is not, therefore, entitled to the benefit of the provisions of section 40 of the Bengal Tenancy Act.

4. Appendix III contains the cases in which I recommend that the orders of the Assistant Settlement Officer should be revised. My recommendation is in each case shown in column 9 of the Appendix. I propose that the commuted rent should take effect from the 1st of Bysack of 1318 B.S.

5. The petitions for revision with connected papers and the original commutation records are forwarded herewith. An acknowledgment of their receipt is requested,

6. Of the 106 cases referred to in the Deputy Collector's report—

Fourteen are included in Appendix I.

One is included in Appendix II.

Sixty-three are included in Appendix III.

The petitions for revision has been struck off in 18 cases on compromise of the parties, and in three cases for non-appearance of the parties. In seven cases, after seeing the Deputy Collector's report, I found no reason for recommending revision.

REPORT.

In continuation of my report, dated the 7th June 1910, forwarded to the Commissioner with Collector's letter No. 1058 L. R., dated the 10th June 1910, I have the honour to submit the result of my enquiries *in the 106 remanent cases in which no regular appeals were filed, but applications were made praying for a revision of the orders of commutation passed by Babu Radha Krishna Goswami, in exercise of the special powers vested in him under section 40 of the Bengal Tenancy Act.* Agreeably to the instructions of Mr. Reid, the then Collector of Bakarganj, action on these cases was deferred pending the decision of the regular appeals. These latter have now been disposed of, and the principles which formed our *ratio decidendi* have been generally affirmed by the higher revenue authorities. In dealing with the cases now under consideration, I have followed the same principles and procedure, a full exposition of which will be found in my report referred to above. The result of my enquiries have been embodied in three different parts in each case—

Part I.—Tabular statement of particulars relating to the holding, etc.

Part II.—Statements made by parties and witnesses.

Part III.—Suggestion of the rent to be fixed on commutation or of any other manner in which the application should be disposed of.

2. In two cases carried in appeal to the Board of Revenue in which the tenants executed kabuliyats before the passing of the Bengal Tenancy Act, binding themselves to pay exorbitant sums of money, in lieu of produce rent, the Hon'ble Members have held that as section 178 (3) (g) of the Tenancy Act did not apply, the contracts were operative and must be given effect to in commutation, but in order to avoid the evil involved in the enforcement of the unconscionable bargains, they have refused commutation altogether (*vide* Board's judgment in appeals Nos. 21 and 22 of group No. 1 of 1911). In a number of cases at present under report (for details, *vide* Appendix), the tenants executed kabuliyats similar to the above some time after the Bengal Tenancy Act came into operation. Although the Hon'ble Members have observed by way of *obiter dictum* that section 178 (3) (g) does not invalidate such contracts, they do not clearly indicate what view they would have taken if the contracts in the cases before them were executed after the passing of the Tenancy Act. In these circumstances, I have refrained from suggesting in column 10 of the tabular statement the amount of rent which should be fixed on commutation and left the whole matter to be decided by the authorities. I should, however, add that both the cases carried in appeal to the Board were contested before the commutation officer, while those which have been dealt with in the present report were originally decided *ex parte*. Section 40 does not authorise refusal of commutation, except in cases in which the application under that section is opposed.

ATUL CHANDRA GUHA,
Deputy Collector.

The 19th October 1911.

XII.

No. 6206 R., dated Dacca, the 25th September 1912.

From—N. BONHAM-CARTER, Esq., I.C.S., Offg. Commissioner of the Dacca Division,

To—The Secretary to the Board of Revenue, Bengal.

I HAVE the honour to refer to letter No. 2906 R., dated the 20th February 1911, from the Officiating Commissioner of the Dacca Division, to the Secretary, Board of Revenue, Eastern Bengal and Assam, on the subject of the commutation of produce rents in thana Gaurnadi of the Bakarganj district, and to submit, for the orders of the Board, 78 cases relating to the commutation of rents in certain tenancies in that area.

* * * * *

It will be seen that the effect of the Commissioner's recommendations, approved by the Board, was to limit the enquiry to cases in which an appeal had been made to the Board or to the Commissioner, and to cases which the Collector in his own motion might submit for revision. In pursuance of these orders, my predecessor, Mr. Reid,

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heard and decided 80 of these commutation cases in which appeals had been lodged, as reported to the Board in his letter No. 2906 R., dated the 20th February 1911. In addition to these appeals, there were 106 cases in which application had been made to the Collector for a revision after the period of the appeal had expired. Reports in regard to these cases were received by me from the Collector of Barisal, with his letter No. 3996 L. R., dated the 6th January 1912, a copy of which is enclosed. The Collector struck off 21 cases on compromise or on account of the failure of the parties to attend, and in seven other cases he refused the application for revision. The records of the remaining 78 cases he forwarded to me, together with a report of the Deputy Collector in each case, for transmission to the Board.

4. These 78 cases must again be subdivided into three classes—

- (a) in 14 cases (included in Appendix I) the tenant had executed a kabuliyat agreeing to pay a stipulated sum in lieu of the produce in kind;
- (b) one case (included in Appendix II) in which the tenant had no occupancy right; and
- (c) sixty-three cases in which the Collector has recommended that the money rents fixed by the special officer should be enhanced.

5. In the 14 cases dealt with in Appendix I, it will be seen that the amount of money rent payable under the kabuliyat in default of payment of rent in kind, in all cases represents a very much higher rent than the prevailing cash rent for similar lands in the vicinity. In several cases the amount is very much higher even than the money value of the average rent in kind paid during the past three years and is unconscionable. The kabuliyats in all these cases were excluded after the passing of the Bengal Tenancy Act. My predecessor, Mr. Reid, in deciding a similar case on appeal, held that the fixing of a high money penalty in default of payment of rent in kind was in contravention of section 178 (3) (g) of the Bengal Tenancy Act and ignored the kabuliyat and fixed what he considered a fair money rent.

The Hon'ble Member of the Board (the Hon'ble Mr. LeMesurier), however, in appeal No. 21 of group No. 1 of 1911 (Gopal Chandra Banerjee and other, appellants, *versus* Karimuddi Karikar and others, respondents), decided on 31st March 1911, held that the matter was not free from doubt. I am strongly of opinion that money rent fixed in the kabuliyat should not be enforced, because it is unconscionable, and because, if an application for commutation under section 40 of the Bengal Tenancy Act is admitted, it clearly cannot be right that the discretion of the Revenue Officer should be fettered.

In these circumstances I consider that the best course is that recommended by the Deputy Collector, Babu Atul Chandra Guha, who enquired into these cases, namely to reject the application for commutation. I recommend, therefore, that in these cases the order of the Revenue Officer fixing a money rent be set aside and the application for commutation be rejected. I have noted in the remark column of Appendix I the amount of rent originally fixed by the Revenue Officer which is the subject of the present application.

6. In the one case referred to in Appendix II, the Deputy Collector, Babu Atul Chandra Guha, has found that the tenant has not the status of an occupancy tenant, and therefore is not entitled to commutation. In case, however, this recommendation is not accepted, he suggests that the rent be fixed at the average money rates of the locality *plus* four-tenths of the difference between the average money rates and the average annual value of the produce. In this case the rent would be—

	Rs.	a.
Average money rent	...	8 11
Four-tenths of difference of average value of annual produce	...	17 2
Total	...	23 13

The rent originally fixed by the Commutation Officer, Babu Radha Krishna Goswami, was Rs. 32-12. The latter officer found definitely that the holding was an occupancy holding, and the opinion of the Deputy Collector, Babu Atul Chandra Guha, does not convince me to the contrary, because he has left out of consideration the fact that the tenant has other lands in the village which no doubt give him the status of an occupancy tenant. In my opinion the rent should be fixed at Rs. 23-13.

7. As regards the remaining 63 cases, particulars will be found in Appendix III of the rents which would be leviable, if calculated at the average rate of money rents in the neighbourhood, the average value of the produce rent actually received by the landlords during ten years, and the rent fixed by Babu Radha Krishna Goswami, the Commutation Officer, and the rent now proposed by the Deputy Collector, Babu Atul Chandra Guha (who enquired into the case), and by the Collector. The system adopted by Babu Atul Chandra Guha in making his proposals for fixing the money rents are set forth in paragraphs 13 to 26 of his report, dated the 7th June 1910, a copy of which was forwarded with my memorandum No. 752 L. R., dated the 21st June 1910. Shortly the principle followed is to fix the rent at an average rate in accordance with the average rate paid in cash for similar lands in the vicinity, *plus* a certain proportion of the difference between that rate and the average annual value of the produce actually

made over to the landlord. The proportion varies in accordance with certain considerations set forth in the Deputy Collector's report, referred to above. The proportion is commonly half the difference, but varies from 35 to 55 per cent. on the difference. The Collector has accepted the Deputy Collector's recommendations in all these cases, save that he has the rent in round annas, omitting pies. In two cases a kabuliyat has been executed, fixing the amount of money rent to be paid in default of payment of the produce rent, and as the amount fixed in both cases is reasonable, the Collector has accepted it.

8. I have examined the records of all the cases, and I consider that the proposals made by the Collector are reasonable and should be accepted. The general effect of these proposals is to raise the cash rents originally fixed by the Commuting Officer, Babu Radha Krishna Goswami, and this result is, I believe, reasonable if regard be had to two important considerations—

- (1) that when lands are leased on payment of a produce rent, it is not the custom to take any *salami*, and the Deputy Collector reports that in none of these cases was *salami* taken, and
- (2) that in recent years there has been a very large rise in prices, and there is little doubt that if the landlords of tenants paying a cash rent choose to sue for an enhancement in rent on the ground of a rise in price, they would be successful.

9. I must express my regret that the submission of these cases to the Board have been so seriously delayed. There was a large number of records to be looked through, and though I took up the cases, intending to dispose of them on two previous occasions, the pressure of other work has prevented me from completing the work until now. I have recently received a petition from Barada Kanta Das, one of the petitioners, asking for early orders on the case, and I return the petition, dated the 28th June 1912, addressed to the Board of Revenue, by Gopal Chandra Banerjee and others, received with your memorandum No. 1529 A., dated the 15th July 1912, asking for early orders.

XIII.

No. 44 A., dated Calcutta, the 4th January 1913.

From—A. MARR, Esq., I.C.S., Secretary to the Board of Revenue, Bengal,
To—The Commissioner of the Dacca Division.

I AM directed to acknowledge the receipt of your letter No. 6206 R., dated the 25th September 1912, submitting, for the orders of the Board, 78 cases of the commutation of produce rents in thana Gaurnadi in the district of Bakarganj.

2. In reply I am to say that these cases may be disposed of by you, leaving the parties to move the Board, if they feel aggrieved at your orders. The cases are, therefore, returned herewith.

XIV.

IN THE COURT OF THE COMMISSIONER OF THE DACCA DIVISION.

READ—Mr. Bonham-Carter's letter No. 6206 R., dated the 25th September 1912, to be address of the Board on the subject of cases for commutation of rent in the district of Bakarganj.

READ ALSO—Board's letter No. 44 A., dated the 4th January 1913, in reply to the same.

ORDER.

I AGREE in all points with the recommendations of my predecessor. As the Board desire that I should pass definite orders, I hereby pass orders in the terms of these recommendations. I only note, with reference to the 14 cases mentioned in paragraph 5 of Mr. Bonham-Carter's letter, that in rejecting the applications for commutation, I do not purport to lay down any general principle. If similar cases come before me again, it may well be that I shall grant commutation.

N. D. BEATSON BELL,
Commissioner.

The 22nd January 1913.

XV.

No. 1980 L. R., dated Bakarganj, the 7th August 1913.

From—F. W. STRONG, Esq., I.C.S., Collector of Bakarganj,
To—The Commissioner of the Dacca Division.

IN continuation of this office letter No. 3996 L. R., dated the 6th January 1912, on the subject of the commutation of produce rents in thana Gournadi of this district, have the honour to forward herewith a further report from Babu Revati Mohau hakravartti, Deputy Collector, containing the results of his enquiries in respect of 127

cases in which applications for revision were filed after the expiry of the period prescribed for appeal.

2. In proposing the money rents the Deputy Collector has followed the instructions contained in paragraph 9 (*iii*) of the Hon'ble Mr. LeMesurier's letter No. 638 L. R., dated the 9th-10th June 1909, to the address of the Board of Revenue, Eastern Bengal and Assam.

3. Out of the 127 cases now dealt with by the Deputy Collector, 22 cases have been struck off for non-appearance of the parties, 12 cases have been amicably settled and rents have been proposed in the remaining 93 cases in which I recommend that the orders of the Assistant Settlement Officer should be revised. The particulars of these cases are given in Appendix A herewith submitted, and my recommendation in each case is recorded in column 12 of the Appendix. I propose that the commuted rent shall take effect from the 1st of *Baisakh* 1318 B. S.

4. The petitions for revision with all connected papers and the original commutation records are forwarded herewith. An acknowledgment of their receipt is requested.

XVI.

No. 4674 R., dated Dacca, the 20th September 1913.

From—THE HON'BLE MR. N. D. BEATSON BELL, C.I.E., I.C.S., Commissioner of the Dacca Division,

To—The Collector of Bakarganj.

WITH reference to your letter No. 1980 L. R., dated the 7th August 1913, with which you submit the records of 93 commutation cases, together with recommendations for revision, I have the honour to say that when Mr. Bonham-Carter wrote his letter of the 25th September 1912, he was evidently under the impression that he was dealing with all the pending cases. When I passed my order of the 22nd January 1913, I was also under the same impression. It is clear that there must be some finality in this matter. After a full consideration of the circumstances I have come to the conclusion that I should not interfere in any case in which the petition for revision was filed more than two years after the commutation order of Babu R. K. Goswami. I, therefore, decline to interfere in 27 cases as per the annexed statement B, but I accept your recommendations in 66 cases as per the annexed statement A. In these 66 cases the revised rents will take effect from the Bengali year 1321.

2. The records are returned.

XVII.

Extract paragraph 3 of letter No. 824, dated Barisal, the 27th December 1907, from J. C. JACK, Esq., I.C.S., Settlement Officer of Bakarganj to the Director of the Department of Land Records, Eastern Bengal and Assam.

* * * * *

3. I may add that I have received several petitions from tenants lately on the subject. It appears that where rents have been commuted, the landlord has in many cases brought suits for three years' arrears of paddy rents and obtained decrees sometimes even in contested cases. Over a hundred specific cases have come to my notice and it is possible that there may be two hundred cases in all. But I have the very greatest difficulty in collecting information, as I do not find the Civil Courts at all willing to give any detailed information about "disposed of" cases. I have the honour to invite your attention to two points, first, that suits for arrears of produce rents were previously, I believe, totally unknown and a great volume of evidence could be brought to prove that produce rents are actually cut and taken from the field to the landlord's house; secondly, that two hundred out of a total of nine hundred cases go to show, as indeed is openly asserted, that the cases were brought to force tenants in a body to continue to pay the old paddy rents. In the face of these circumstances, it appears to me that a special enquiry ought in justice to be ordered in these cases. I suggest that if the facts were prominently brought to the notice of the Hon'ble Judges of the High Court, the matter might, with their consent, be thoroughly investigated, and if it appear that injustice on a very considerable scale has been done, as I strongly suspect, a suitable remedy may be afforded.

* * * * *

Extract paragraph 3 of letter No. 25-74 T., dated the 11th January 1908, from N. D. BEATSON BELL, Esq., C.I.E., I.C.S., Director of the Department of Land Records, Eastern Bengal and Assam, to the Secretary to the Board of Revenue, Eastern Bengal and Assam.

* * * * *

3. The matter dealt with in Mr. Jack's third paragraph is of striking interest. It is practically impossible that the produce rents in question should all have been in arrear.

for three years. The suits which are brought for these arrears were certainly brought in order to punish the tenants for having applied for commutation in the settlement courts. I have no doubt that the Munsiffs who disposed of these rent suits weighed the evidence to the best of their ability, but I have also no doubt that a failure of justice has occurred. I would also point out that if the decrees are executed the entire crop of the raiyats will be taken by the landlord for two consecutive years. If the costs of the landlord in the civil court have also been decreed against the raiyats, their position is still more deplorable. When the special officer carries out his work of commutation he may enquire into the case of these raiyats and submit a detailed report. It will be a melancholy result of the settlement operations in Bakarganj that a number of raiyats should be ruined because the Settlement Officer, acting on the advice of the Legal Remembrancer and the instructions of the Board of Revenue, commuted their rents at the wrong stage. If the facts turn out to be as bad as is now reported, Government is under a moral obligation to award compensation to the raiyats concerned. The report which I suggest may, however, be awaited.

XIX.

No. 938, dated Faridpur, the 18th 21st January 1909.

From—J. C. JACK, Esq., I.C.S., Settlement Officer, Faridpur and Bakarganj,
To—The Director of the Department of Land Records, Eastern Bengal and Assam.

With reference to your No. 25-47, dated the 26th October 1908, I have the honour to send the report of Babu Radha Krishna Goswami. The report is full enough, but the information is necessarily incomplete. I do not see, however, how ampler information can be obtained, as the difficulties are very great and there is an entire absence of documentary or reliable evidence. It is very difficult to make any recommendations, especially as the fate of the recent commutations is still in the melting-pot while many of the decrees themselves are held in suspense. It is clear, however, that where injury resulted, responsibility must be chiefly laid at the door of the Settlement Department.

The report may be read in connection with my report to the Commissioner on the commutation cases.

REPORT CONCERNING THE TREATMENT OF TENANTS WHOSE RENTS WERE COMMUTED BY THE SETTLEMENT DEPARTMENT AT THE TIME OF ATTESTATION.

While trying commutation cases in thana Gournadi I have enquired into the effect on tenants of commutations made by the Settlement Department at the time of attestation of the record-of-rights. The difficulty about the enquiry was that the landlords in most cases obstinately refused to attend to my call and so I had little opportunity of hearing both sides. In order, however, to come to the right conclusion and to determine the true state of things I carried on close and sifting enquiries whenever any allegation was made against or contrary to the interest of an absentee landlord, and I believe that I have been able to elicit the truth in the majority of the cases and about most of the facts herein reported.

The talukdars of Gournadi mostly belong to the middle class, and excepting perhaps a few, the majority of them had to depend for their subsistence on the produce rents they obtained from *barga* and *karari* lands. The raiyats on the other hand, mostly illiterate, were not aware of the existence of the law about commutation, and consequently there was little misunderstanding between landlords and tenants in the matter of holding on payment of produce rents. When, however, the Settlement Courts began to explain the law to the raiyats and to invite them to commute if they liked, they easily perceived that they had so long slept over their rights and felt tempted to regard the warnings of their landlords with scorn, while the latter naturally acquired a great dislike and apathy towards this measure of the Settlement Department which threatened to deprive them of their principal means of livelihood. The commutations made at the time of attestation thus created feelings of bitter animosity between landlords and tenants. Considering the steady increase in the price of food-grains the commutation was most welcome to the tenants, while the landlords took it as the most unjust and iniquitous measure that could ever be introduced and enforced. In vain did the landlords attempt by persuasion and threat to dissuade the tenants from committing what they thought to be an outrage, and it is no wonder that failing in this attempt they should try actually to carry out the threat and harass the tenant in every possible way in order to compel him to pay the old produce rent.

In order to chastise the tenants who commuted their produce rent at that time, a large number of rent suits were instituted by the landlords after attestation, in which the Civil Courts declared the commutations as illegal and refused to be bound by the orders passed *ultra vires*. Tempted by the success, landlords began to flock to the Civil Court to get an authoritative judgment in as many cases of commutation as possible in order to compel the tenants to come out of their circle of combination and to descend from their attitude of defiance. Having lost their vantage ground of opposition in the Civil Courts the tenants were about to return to swear allegiance to their landlords, when the rumour reached their ears that Government, moved by the Settlement Department, were appointing for the purpose of commutation of produce rents on a sure legal basis a specially-empowered officer, whose orders the Civil Courts would be bound to respect. This news again stimulated the tenants, while the landlords began to lose heart under the apprehension that orders passed by the special officer must be unassailable in the Civil Courts. When I went out to camp in Gournadi, the landlords appeared to have laboured under the impression that it would be useless to contest commutation cases either before me or in appeals before the Revenue authorities, as it was apparent from the appointment by Government of a special officer that the Board of Revenue recommended the measure. The general idea was that the only remedy of the landlords, as before, lay in rent-suits before the Civil Courts and as they cared to take no notice of the cases pending before me, my court was practically deserted by the landlords from May to the middle of August and it was only after the inspection of my camp by the Hon'ble First Member of the Board that landlords began to attend and to contest petitions.

The impression of the landlords, whether tenure-holders or proprietors, in this part is that all *barga* lands and all such *karari* lands as were formerly had under the *barga* system, but have since been transformed into *karari*, are their *khamar* lands. There appears to be no legal force in this impression,

but in fact prior to the District Settlement, *barga* tenants do not appear to have claimed any permanent right or any kind of right over *barga* lands. The landlords enjoyed the unquestionable right to let out their *barga* lands after every harvest to any one they liked, and though as a matter of favour they allowed any *barga* land to remain in the possession of the same cultivator from year to year, their right to throw him out after every harvest was always recognised by the *bargadars*. It is for this reason that before the District Settlement very few suits for arrears of produce rents went up to Civil Courts. When any *bargadar* fell in arrears or otherwise rendered himself unfit for being entrusted with the land, the landlord could either settle the land with another person or attach the land next year, with standing crops, and realise therefrom his current and arrear dues. After the District Settlement the landlords were afraid either to attach the land or to eject the old cultivator and settle the land with another in accordance with the usual practice. They had, therefore, no other alternative but to institute suits for realisation of the produce rents in cases of arrears. The facts that before the Settlement, suits for produce rents were almost unknown and that after the Settlement, the number of such suits became abnormally high, do not, therefore, necessarily mean that most of such suits are false.

The method of paying produce rents in respect of *karari* lands differ substantially from the method in respect of *barga* lands. Crops of *karari* lands, when ripe, are harvested by the tenant and the landlord's dues are either carried to the latter's house by the tenant or are taken away by the landlord with his own men. But when a *barga* crop is ripe on the field the tenant has to carry the news to the house of the landlord, who then either sends a man or goes himself to what is called *tuck* the crop, that is to say, to make an estimate of the outturn and to fix the quantity to be paid by the cultivator to the landlord. To take a concrete example: suppose a tenant has to pay two-fifths of the produce to the landlord and the crop is estimated by *tuck* at 50 maunds. The quantity payable to the landlord is then fixed at 20 maunds. In the northern part of the thana, in making the *tuck* or estimate, clear margin is left to the tenant to provide for the seed and to meet the cost of harvesting (*beran*). If the landlord and the tenant cannot agree between themselves as to the estimate, one or more experienced neighbours of the tenant (called *tuck-dars*) are invited to make a *tuck* and both parties abide by that estimate. The landlord then enters the quantity "*tuck-ed*" in his "*tuck-list*" and goes away. The tenant then gathers the crop and carries the landlord's quantity as determined by the *tuck* to the landlord's house. Sometimes the landlord sends his own man to collect the crop from the tenants. Almost every householder in this part keeps a *dinghi* boat for movement during the rainy season and these small boats are employed for the purpose of conveying the crop-rent from the tenant's house to the landlord's. Where the landlord's house becomes inaccessible by boat during the winter the crop is generally allowed to remain in the house of the raiyat until the next rainy season, unless the landlord prefers to accept the current market value of the produce rent instead of the produce itself. If a tenant withholds payment in any year or makes short payment, the landlord makes an "attachment" of the next year's crop when ripe and then deposes a man to be present at the threshing-ground to carry the landlord's quantity, both current and arrear, as soon as threshing and winnowing are completed. The "attachment" is made by sending an information, verbal or written, to the tenant to that effect. Of course, in some instances, the landlord prefers not to make any *tuck* or estimate before harvesting, and depends on the integrity of the tenant for the right payment of his just share, but these are only exceptions to the general rule.

The methods described above are in vogue in the whole thana of Gournadi.

I have very carefully enquired into the different methods of payment, not from the landlords but from the tenants themselves, and I have not the least doubt that arrears of produce rents can arise both in respect of *karari* and *barga* lands. But at the same time I believe that the landlords never allowed arrears to accumulate for more than a year or two, especially in case of *barga* tenancies. I have already said that in case of big arrears from a *bargadar* the land was attached by the landlord and the arrear and current dues realised from the standing crops next year. A strong landlord would attach even *karari* lands and collect the arrears without going to the Civil Court with a rent suit. Under the prevailing practice arrears could hardly accumulate for more than a year in case of *barga* lands.

The commutations at the attestation stage in thana Gournadi were done in 1311 B. S., and it was then directed in most cases that the orders should take effect from 1312 B. S. All those rent suits which were instituted for the three years from 1309 to 1311 B. S. are, therefore, to be looked on with great suspicion. I am not going to assert that every one of those cases is false, but what I mean to say is that according to the local custom arrears could hardly have accumulated for three years before the attestation of the record-of-rights, when the landlords enjoyed the authority of attaching the crops at their pleasure and taking away their dues. The tenants against whom such rent suits have been filed, have mostly complained that they are wholly or partly false, that is to say, some admitted the claims in respect of 1311 and some in respect of 1310 and 1311, but a few only admitted having been in arrears for three years from 1309. I had no opportunity of hearing the landlords in those cases, as they refused to appear before me in spite of repeated notices. Many such rent suits, however, have been decreed in full by Civil Courts, even in contested cases, and though I have great doubts as to whether justice has been done in each of these cases, it is difficult to say positively that there has been any miscarriage of justice by hearing only the interested party.

The main difficulty in ascertaining the truth or falsity of these cases arises out of the fact that the landlords in this thana (I think this is the practice of the landlords in the whole district) seldom, if ever, give any receipt or *dakhila* for the produce rent they realise from the tenants. When, therefore, a suit is instituted for realisation of arrear produce rents, the raiyat cannot give any satisfactory documentary evidence of payment, while the landlord can very easily file some *tuck* lists and *hishab* prepared, if necessary, to suit his own purpose, and thus catch the raiyat at a disadvantage which it becomes almost impossible for the latter to overcome. The Civil Courts cannot go beyond the evidence on record and cannot see their way to reject evidence not disproved and so they are left no option but to decide against the tenant.

Appended will be found a list (Appendix I) giving instances of cases instituted against the raiyats who got their produce rent commuted at the time of attestation. The allegation of the tenants as to the truth or falsity of the cases has been noted in the list against those cases about which the tenant concerned appeared before me to make a statement. It will be found that in mauza Pakurta, revenue survey No. 746, the claim of the landlords for 1309 has in most cases been alleged to be false, while the claim for 1311 made in the same suit has generally been admitted to be true. Though these cases have been decreed in full by Civil Courts, I am inclined to suspect that there has been miscarriage of justice in some of these cases. Why should the tenant admit *before me* his liability for 1311 and plead payment for 1309 concerning a case already decreed? If he meant to state a falsehood he might have pleaded payment of the entire claim. My suspicion about the falsity of the cases has been confirmed by the wide notoriety of the Sarbajans of Bakal, who are the landlords of Pakurta. Not only the tenants concerned, but also tenants of other mauzas in the vicinity, as well as landlords residing in the neighbourhood, spoke very disparagingly of the Sarbajans of Bakal. They are reported to be quite unscrupulous as to the methods they adopt for chastising their tenants, having recourse to any means, however despicable, in order to punish a tenant who would unluckily happen to offend them in any way. It is no wonder that landlords of this type should file false rent suits or false suits on forged money bonds in order to bring the tenants down to their knees. The Poddars of Medakul, who are landlords in mauza Donarkandi, revenue survey No. 685 have a similar bad reputation. I am told that in consequence of certain criminal proceedings between these landlords and their tenants in mauza Donarkandi, the former have been bound down under section 107, Criminal Procedure Code, to keep the peace

for one year. The Guptas of Fullasri, who are landlords in mauza Barapakia, revenue survey No. 758, have also been unfavourably reported on. The cases instituted by these landlords have mostly been represented to be false by the tenants, and the sincerity of the manner with which some of these tenants disclosed their grievances to me, inclined me to believe that they were speaking truly.

At the same time it should be noted that many tenants spoke palpable falsehoods in the matter of their arrears. A few days before I commenced the trial of commutation cases as special officer, a senior Peshkar, Munshi Nazumaddi, was sent over by the Settlement Officer to Gournadi to collect the names of the raiyats who wanted commutation and to enquire into some petitions filed by the raiyats of Gournadi complaining about bad treatment from their landlords. Many raiyats, who admitted before the Peshkar to have been in arrears since attestation, denied the fact before me and pleaded payment up to date. Apparently they were afraid to admit their arrears before me lest the admissions be used against them subsequently in rent suits in Civil Courts.

I examined the tenants who appeared before me very closely, observed their demeanour very minutely and weighed their statements very carefully. Whatever the liabilities of the tenants might have been before 1312 B. S., that is to say, before attestation, there can be no doubt that almost all of those who got their produce rents commuted at attestation did not pay any rent to their landlords after attestation, i.e., since 1312. Believing that the landlords were legally bound to accept the money rent fixed by the Settlement Officers, they offered the aforesaid money rent to their landlords, while the latter declined to accept the money rent and sued the tenants in the Civil Courts for old produce rents. My strong conviction is that rent suits for arrears of produce rents after 1312, against those who got their produce rents commuted at attestation, are generally true.

I think I should add a short note regarding the petitions received by the Settlement Officer from the raiyats of Gournadi. The whole file, as it was made over to me by Munshi Nazumaddi, was found to contain altogether 108 petitions. Of these, 64 petitions (file X) relate to commutations made at attestation and the remaining 44 (file Y) have no connection with the commutations made at attestation. The applicants not having been able to give the number of the rent suits in every case, it could not be ascertained from the Civil Courts whether the rent suits complained of in the petitions in (file X) were actually filed and what was their result. The Civil Courts consider it a trouble and inconvenience to allow our men to hunt through their registers and records in the dark, but if the case number and name of the court could be given they might be inclined to help us in obtaining the details of the cases, as it would then be easy for them to find the cases out.

Those tenants who got their produce rent commuted at attestation and against whom rent suits were instituted by their landlords were asked by general notices and beat of drums to come up again, if they liked, to commute and to speak about the circumstances of the rent suits instituted against them. But a few only appeared in response to the call, and I have taken down their statements about the rent suits. As regards those who did not appear before me I have reproduced their cases from the report of Munshi Nazumaddi.

It was ascertained from the record-of-rights that in Gournadi commutation orders were passed in respect of 915 tenancies at the time of attestation. This figure, however, could not be accurate, as in many instances commutations were ordered without entering the cases in the dispute list. Besides the 915 cases counted in the office by referring to the record-of-rights, about 30 more cases came to my notice in the course of my special work. The total number of commutations allowed at the time of attestation in thana Gournadi may roughly be estimated at 1,000 in round figures. Out of these, rent suits have been instituted, as far as could be ascertained, against 207 raiyats, involving 215 tenancies, the number of suits having been found to be 225. The result of these 225 suits, as ascertained from the tenants, is roughly given below :—

Withdrawn	4	} Total number of cases decreed 209.
Struck off	...	...	...	...	...	2
Price of produce rent decreed	...	...	...	...	...	206
Cash rent decreed, it having been held that the rent payable was not produce but cash	...	...	...	...	...	3
Pending at the time of the enquiry	...	...	...	...	...	10
Total						225	

As the information about these suits have been gathered mainly from the raiyats, it is impossible, without active help of Civil Courts, to say that the cases listed have really been filed or have really terminated in the manner represented by the tenants. In most of the cases decreed, the tenants plead that they have paid off various amounts amicably in satisfaction of the decree, but as they cannot show any receipt for the amounts, it is difficult to place any reliance on their allegations about payments. From the statements made by the tenants it appears that about a third part of the decrees have not yet been executed by the landlords who are, however, threatening the tenants concerned with execution and sale unless they execute kabuliats and bind themselves to pay produce rent for ever. In consequence of executions taken, 16 tenancies have already been sold off and three raiyats have been forced, without taking execution, to surrender their holdings, and there is no knowing how many more will lose their land in execution of decrees or by forced surrender hereafter. (For details of the cases, *vide* Appendix I.)

Out of those against whom there have been no rent suits, more than 300 tenants have admitted that they have paid no rent since attestation, the reason being that they offered the money rent fixed by the Settlement Officer, which the landlords refused to accept and so they could not make payments. About the same number of tenants pleaded that they have been paying produce rent even after commutation for fear of offending their landlords, but scarcely any of them could show any receipt or *dakhila* for the produce they say they have paid. I believe that many of these latter group of tenants made false statements on the subject of payment, though there can be no doubt that many of them have really paid produce rent overawed by strong measures taken by the landlords. I am not giving a list of those tenants who got their produce rent commuted at the time of attestation but against whom there have been rent suits. A list of such tenants was already prepared in Bengali by Peshkar Nazumaddi Munshi after local enquiry (*vide* list in his book II), which may be referred to, if necessary. I checked his list in many cases and found that it was carefully prepared.

Those tenants against whom rent suits have not been filed have been persecuted in other ways. A few examples of oppression reported by such tenants are also given.

Some 11 tenants complained that their landlords sued them for money bonds which were false. Two instances of forcible eviction and 11 instances of forcible seizure and carrying away of crops on the refusal of the tenants to pay produce rent were brought to notice. Two tenants, it was reported, were compelled to surrender, two were forced to execute false money bonds, and yet another two were forced to execute *dhan karari* kabuliats after commutation at attestation. A list of these sufferers will be found at the end of the report (*vide* Appendices II to VII).

A few landlords, for example the Samaddars of Bagdha (who have lands in mauza Bagdha, revenue survey No. 156 and mauza Ambola, revenue survey No. 154) have been reported to have accepted the commuted rent fixed by the Settlement Department, but the raiyats cannot show any *dakhila* or receipt for the money rent they say they paid, and the landlords also do not admit that they received money rent. After hearing the tenants and some of the landlords, I have come to the conclusion that some co-sharers of these landlords actually received their share of the money rent from many of the tenants, but did not give any receipt therefor.

There is not the least doubt that the greater portion of the tenants who got their produce rent commuted at the time of attestation have suffered will in every probability have to suffer great hardships by reason of the mistakes committed by the Settlement Department. But it is very difficult successfully to find out which tenants have actually been injured and the extent of their injury. Many tenants have not yet actually suffered any loss, but they have every risk of sustaining an injury at any moment the landlords sue them for their admitted arrears, while those that will stick to their allegiance to the landlords may not suffer any injury at all. Under these circumstances the solution of the question of awarding compensation to the tenants who commuted their produce rents at the time of attestation is bound to be a very difficult one, unless it is decided to award compensation to every such tenant, whether he may or may not yet have suffered any pecuniary loss by reason of the commutation.

In conclusion, I beg to add that many of the tenants, whose produce rents I have recently commuted as Special Officer, will certainly be persecuted by their landlords in all conceivable ways. They will incur the gravest displeasure of their landlords, and if they do not ultimately succumb to the persecutions, they will at least not be able to enjoy the land in peace. In order, therefore, to afford protection to these raiyats it were better if Government could be moved to instruct both Civil and Criminal Courts to proceed with special caution and circumspection in dealing with cases between such landlords and tenants, directly or indirectly.

XX.

No. 25-372 T., dated Camp Rajshahi, the 5th February 1909.

From—N. D. BEATSON BELL, Esq., C.I.E., I.C.S., Director of the Department
of Land Records, Eastern Bengal and Assam.

To—The Secretary to the Board of Revenue, Eastern Bengal and Assam.

WITH reference to your letter No. 397 S. & S.—G., dated the 23rd November 1908, on the subject of rent suits in connection with the commutation proceedings in Bakarganj Settlement, I have the honour to forward a copy of Mr. Jack's letter No. 938, dated the 20th January 1909, together with the original enclosures of that letter. The report of Babu Radha Krishna Goswami is full and interesting. Although it cannot be said that sufficient materials have been collected for bringing the matter, as was suggested by Mr. Jack in his letter of 12th December 1907, to the notice of the Hon'ble Judges of the High Court, there can be no doubt that a good many tenants have been ruined because the Settlement Department, acting upon legal advice, commuted their rents at the wrong time. I would suggest that a sum of Rs. 1,000 should be placed in the hands of the Settlement Officer for the payment of compensation in a few of the hardest and best-authenticated cases.



सत्यमेव जयते

APPENDIX II.

IN THE COURT OF THE SETTLEMENT OFFICER, BAKARGANJ.

THE SECRETARY OF STATE FOR INDIA

versus

KALIKRISTO THAKUR AND OTHERS.

Objections under Section 103 A of the Tenancy Act.

THE question before me is the ownership of rivers. It is a question which has exercised the ingenuity of lawyers in all countries and all ages. As the district of Bakarganj is covered with a network of rivers which constantly change their position like the reflections in a kaleidoscope, it was evident from the first that this question would arise in a complicated form in the course of the Survey and Settlement of the district. The district is being taken up block by block, each block consisting of several thanas. The first block is made up of thanas Barisāl, Nalchhiti, Bakarganj and Bānpāl. The survey of this block has been completed and the records have been attested and published in draft. This is the time for filing "objections" against any entry which has been made in the record. The Collector of the District, acting on behalf of the Secretary of State in Council, has filed four objections, one relating to each of the surveyed thanas. In each objection the Collector gives a list of some of the largest rivers in the thana and requests that "Government be recorded as owner of the rivers and dōns mentioned above and any other rivers, dōns or khals which according to the present survey are, in the opinion of the Court, navigable streams." As a more suitable opportunity is unlikely to arise for coming to a general decision upon this vexed question, I have caused notices to be sent to all pargana-zamindars of the district, not only to those of the four thanas above mentioned, but also to those of the remaining thanas. Any decision which I now arrive at will be embodied in the Settlement Rules and will be followed throughout the operation. It was, therefore, desirable that the general body of zamindars should be fully apprised of the present proceedings. The case on behalf of Government has been laid before me by Babu Chandmohan Chatterji and the case on behalf of the zamindars by Babu Dina Bandhu Sen and Babu Rajani Kanta Das. I have been able to arrive at certain general principles which should guide the officers of this department when dealing with rivers in any part of the district. The Collector on the one hand and private zamindars on the other hand are of course free to bring forward from time to time specific claims in regard to specific rivers, provided that these claims are based upon peculiar circumstances which have not been dealt with in the present proceedings.

2. It is a recognized principle of law in all countries that the State has certain definite rights in regard to rivers. It is laid down in the Roman Law that "all rivers and ports are public." *Flumina autem omnia et portus publica sunt.* (Justinian 11—1—2.) This very sweeping doctrine is slightly modified by Ulpian, who points out that there is a distinction between rivers (*flumina*) and rivulets (*riwi*). The latter are not the property of the State. Even in regard to rivers (*flumina*), Ulpian limits the title of the State to those which are "perennial" as distinguished from those which are "torrential." For our present purpose it is well to note that in the Roman Law all *flumina perennia* are the property of the State irrespective of any consideration of tidality or navigability. In England on the other hand all perennial rivers are not the property of the Crown, but only those which are tidal and navigable. In the case of *Neill v. Duke of Devonshire* (8 App. Cas. 135, 157) it was laid down that "the right of the Sovereign exists in every navigable river where the sea ebbs and flows. Every such river is a Royal river and the fishery of it is a Royal fishery and belongs to the Queen by her prerogative." The law of Scotland would appear to be identical in this respect with the law of England; see the case of *Orr Ewing v. Colquhoun* (2 App. Cas. 839, 854). In France on the other hand the Roman Law is followed more closely. The question of tidality is eliminated and the only question is navigability. All French rivers which are "flottables" are the property of the State. In America the situation is interesting. The States which have comparatively small rivers allow private persons to own the beds of navigable rivers above the point to which the tide reaches; but the States through which the Mississippi and other large rivers flow exclude the claims of private owners from the whole navigable portion of the river. The Mississippi is navigable for many hundred miles about the tidal point.

3. The law in India would appear to be identical with the law of France and with the law of the Mississippi States in America. In India the Crown is the owner of all navigable rivers, whether they are or are not tidal. The statutory law on the subject is found in Regulation XI of 1825. This Regulation divides rivers into two main classes (1) rivers which are "large and navigable" and (2) rivers which are "small and shallow." The Enactment assumes that the former are *primâ facie* the property of the State, and that the latter are *primâ facie* the property of individuals. There is no mention of tides in the whole Regulation. Along with Regulation XI of 1825 we must read Regulation I of 1793 which embodies in the form of law the proclamation issued by Lord Cornwallis on the eve of the Permanent Settlement. The proclamation, which is a lengthy and elaborate document, is entirely silent on the subject of rivers. From this it is evident that the Governor-General in Council had no intention of assigning to the newly created "proprietors" those rights in rivers which the common law of all nations recognises as vesting in the State. Whether the

rights of the State in rivers were to coincide with those in England, or with those in Rome, or with the *via media* adopted by France and the Mississippi States remained undetermined until the appearance of Regulation XI of 1825. That Regulation decided the point. This view of the law is authoritatively laid down by the Privy Council in the case of *Nagendra Chandra Ghose v. Mahomed Esuf* (10 B. L. R., 406), in which it was held that in India a navigable river which has ceased to be tidal is on the same footing as a tidal river. In the recent Privy Council case of *Jagadindra Nath Roy v. Secretary of State for India* it is similarly held that all "public navigable rivers" are presumed to be outside the Permanent Settlement (I. L. R. Cal. XXX—291.) We therefore arrive at the conclusion that all the navigable rivers of Bengal, whether tidal or non-tidal, were excluded from the Permanent Settlement. They remained, to use the expression adopted in the case of *Lopez v. Madan Mohan Thakur* (13 Moore's Indian Appeal, 467), part of the "public domain." As far as this district is concerned, it is well for private owners that tidality can constitute no basis for a claim on behalf of Government. The district is cut up with tidal creeks in every direction. The ditch which separates my compound from the compound of my neighbour is a tidal ditch. The water rises and falls in it twice a day.

4. If the rivers had remained as Lord Cornwallis found them, the situation would now be comparatively simple. This is exactly what the rivers declined to do. They immediately began to shift their position and have been doing so ever since. As far as this district is concerned, it is probable that most of the present navigable rivers lie geographically in positions which were occupied either wholly or partly by solid land at the time of the Permanent Settlement: while on the other hand most of the navigable channels as they existed in 1793 (that is to say, the "public domain" reserved by Lord Cornwallis) are now either wholly or partly solid land enjoyed by private owners or by new tenants under Government. I need not discuss here the law of alluvion, diluvion, and reformation *in situ*. These are questions which arise in connection with the record-of-rights in alluvial formations. I am immediately concerned with the converse question—how are we to deal with the existing navigable rivers? In nearly every case they flow either wholly or partly over land which Lord Cornwallis declared to be the private property of individuals. By the law of Rome no difficulty would have arisen. The existing bed of the river would be the property of the State even though the river had broken away for itself through the middle of some private land. Justinian says—*Notus autem altius ejus juris esse incipit cujus et ipsum flumen, id est publicus*" (II—I—323.) The unfortunate Roman owner however regained his title when the river left his land and moved on elsewhere. This would appear to be also the law in America. It is not however so in England, nor in India. Lord Hale has laid down in his "De Jure Maris" (page 15) that in cases of this sort, so long as the subject can point out the geographical position of his submerged land, "the subject doth not lose his property." This doctrine was followed in regard to India in the famous case of *Lopez v. Madan Mohan Thakur* already quoted. If a proprietor keeps open his claim by paying Government revenue he still continues to be the legal owner of his entire estate, including any portion which happens to be situated at present at the bottom of a navigable river. In general practice, a proprietor refrains from applying for a reduction of land revenue on the ground of diluvion. He prefers to pay the entire amount so long as his estate as a whole is not a losing concern. On the other hand, Government has been assessing revenue upon new formations of land. The result of the parallel courses adopted by the proprietors and by Government is obvious. The revenue has been gradually expanding and the "public domain" has been gradually contracting. To use a homely metaphor: Government has been gradually eating its cake and cannot therefore have it. How much of the cake remains is a difficult question to decide.

5. We have now arrived at a perfectly definite conclusion regarding the existing navigable rivers of the district: In so far as the existing navigable rivers occupy the same geographical position as they occupied in 1793, they are still part of the public domain and are the property of the Crown; in so far as they now flow over what was land in 1793, they are legally private property, provided that land revenue is still being paid. We have reached this conclusion without any reference to the question of "Thakbust" and revenue-survey maps. These maps are not in fact an essential element of the problem, any more than a milestone is an essential element of a journey. The Permanent Settlement was not made on the basis of any map. It is true that Major Rennell published an "Atlas of Bengal" in 1780, the individual sheets of which bear dates shortly before 1780. The atlas does not of course show estates, and although it is a highly meritorious work, it cannot be held to be authoritative in questions of title (see the judgment of the High Court in the case of *Kali Kristo Thakur v. Secretary of State*, dated 21-6-98—unreported). It was not till more than half a century after the Permanent Settlement that the Revenue Survey of Bengal was undertaken. The face of the country had meanwhile considerably changed. The Revenue Survey was preceded by a non-professional demarcation survey, in the course of which "Thakbust" maps were prepared for each mauza. The Thakbust maps are on the scale of 16 inches to the mile and show the boundaries of estates as well as the boundaries of Mauzas. The Revenue Survey maps are on the scale of 4 inches to the mile and show only the boundaries of Mauzas without showing the boundaries of estates. The Revenue Survey maps are purely geographical. The Thakbust maps profess to be also a rough record-of-rights, but only in so far as possession is concerned. (See *Nabo Kumar Das v. Gobinda Chandra Roy*, 9 Cal. L. R. 309, and many similar decisions.) It is, however, a curious fact in this district that in regard to navigable rivers no fixed principle has been observed. Some navigable rivers are shown in the Thakbust maps as part of the "public domain," some are included wholly within the estate on this bank, some wholly within the estate

on that bank, and some are divided between the two riparian estates. The possession of all these navigable rivers was undoubtedly then as now merely theoretical. These rivers were then as now highways of commerce used by the public at large. I take it that the maxim "*Odiosa et inhonesta non sunt in lege presumenda*" applies even to Thakbust amins. We must therefore presume that when the amin has shown a large navigable river as part of an adjoining estate, he has done so either as a matter of survey convenience or from a *bonâ fide* belief (the grounds of which have not been disclosed) that the navigable river as found by him was on a geographical site occupied at the time of the Permanent Settlement by the dry land of this particular estate. If the former has been the motive of the amin, his action can obviously have no bearing upon any question of title; if the latter has been his motive, he has clearly exceeded his functions. The fact that a Thakbust amin has shown a particular navigable river as part of an adjoining estate or estates may therefore be altogether eliminated from our consideration. In this connection the case of *Jagadindra Nath Ray v. Secretary of State for India* quoted above is very much to the point. It was held in that case that the fact of a public navigable river having been shown in the Thakbust maps as part of a riparian estate did not even throw upon the Crown the onus of proving that what was a navigable river at the time of the Thakbust map was a navigable river at the time of the Permanent Settlement. The onus of proving that a change has taken place since the Permanent Settlement is initially upon the party who asserts that there has been a change. A zamindar cannot get ride of the onus by showing that a Thakbust amin treated a navigable river as if it were private property. On the other hand, it must not be taken to be the law that a Thakbust map is of no probative value. When the amin has confined himself to his proper functions and has shown a particular site to be occupied by land and has duly noted that the land in question is possessed by the proprietor of a certain estate, this entry, although not conclusive has considerable probative value. If this particular site is found in the present survey to be covered by a navigable river and if the proprietor has taken no abatement of land revenue, I should be inclined to hold in any proceeding between the Crown and that proprietor that the burden of showing that this site was part of a navigable river in 1793 now rested upon the Crown.

6. I must next decide how to apply the law to the preparation of the present record-of-rights. It would be obviously wrong to record in the first instance that any navigable river, as it now exists, is the property of a private individual, as the legal presumption is initially otherwise. On the other hand, there are grave objections against recording the Crown, without preliminary enquiry, as the owner of every existing navigable river. There is a technical legal presumption that every such entry would be correct. But in point of fact nearly every such entry would be wholly or partially wrong. The zamindars of this district are often rich and always litigious. If all the existing navigable rivers were recorded by me as Crown property, the Collector would be compelled to fight his way inch by inch along the navigable rivers of the district. Where he was confronted by what I may call a "water thak" he would probably gain his point by virtue of the undisturbed presumption in his favour; where he was confronted by a "land thak" the shoe would be on the other foot and the zamindar would probably gain the day. In any case there would be a crop of troublesome and expensive litigation under section 106. If such a proceeding would ensure a lasting benefit to the "peace, order and good government" of the district, I should not hesitate to adopt it. But there are reasons for thinking that any entry regarding the ownership of a navigable river which eventually found its way into the record-of-rights after all this turmoil would be of rather doubtful validity. Under section 102 of the Tenancy Act a revenue officer is authorized to record the name of each tenant, the name of each tenant's landlord and the land which each tenant holds. There is obviously no "tenant" and no "landlord" in a navigable river, for the terms "tenant" and "landlord" are strictly defined in the Act and have no application to such an entity as a navigable river. The Act has, however, been amended so as to authorize a record of "occupants" or "occupiers" (both terms occur) in addition to landlords and tenants. "Occupant" and "occupier" are nowhere defined in the Act, but I do not think it would be wrong to hold that the general public is the legal "occupant" or "occupier" of a navigable highway. It would probably be an undue straining of terms to maintain that the proprietor of the river-bed, whether he be a private person or the Crown, is in constructive "occupation" of the same. It is a curious fact that there is no mention of "proprietors" in section 102. The section is however not intended to be exhaustive; it specially authorizes Government to direct that other particulars besides those mentioned in the section shall be recorded. In the present settlement we have been authorized to record "the name of each proprietor with the character and extent of his interest." (Notification No. 1959 T.-R. dated 2nd October 1900.) Reading this along with the provisions regarding the record of "occupiers," we should probably be making a legal entry if we entered certain non-agricultural soil, such as the bed of a navigable river, as "the property of A.B., in the occupation of the general public." The point is, however, by no means free from difficulty, and I am aware that competent legal authorities have held that "land" in Chapter X of the Tenancy Act cannot include non-agricultural soil of any sort and that, as we have been authorized to prepare a record of the "lands" of the district, any entry which we may make regarding non-agricultural soil, such as the bed of a river, is of no legal validity. On the whole, considering the influx of litigation which will be provoked and the possible fruitlessness of that litigation, I have decided to adopt a middle course in the matter of navigable rivers. Every navigable river will appear for convenience in the papers of some mauza. It will be placed in a special khatian in which the entries for proprietor, estate, pargana, and landlord

will remain entirely blank. In the column where possessors are generally recorded there will simply be the words "Such and such navigable river ; outside the record." The navigable rivers which are so wide that the two banks cannot be shown in the map of any mauza will be specially dealt with, but neither in their case will any entry of ownership be attempted.

7. Nothing in the above remarks should be taken as applying to the Sundarbans. By Regulation III of 1828, it is declared that "the uninhabited tract known by the name of the Sundarbans has ever been and is hereby declared still to be the property of the State : the same not having been alienated or assigned to zamindars or included in any of the arrangements for the Permanent Settlement, it shall therefore be competent for the Governor General in Council to make as heretofore grants, assignments and leases of any parts of the said Sundarbans" (Section 13-i.) The same Regulation enacts that "the boundary of the Sundarbans jungle shall be laid down by accurate survey, as determined on the spot by the Commissioner of the Sundarbans" (Section 13-ii.) This was actually carried out in 1829-30 by Mr. Dampier, the Commissioner of the Sundarbans, assisted by Lieutenant Hodges of the Survey Department. South of the line known as the "Dampier-Hodges line" Government is the sole proprietor both of land and water and should invariably be so recorded. I may note in passing that the "Dampier-Hodges" line is not to be confused with certain administrative lines shown on various maps as the "Sundarban line" for the time being.

8. Up to this point I have not discussed the meaning of the word "navigable." I have endeavoured to obtain elucidation from the representatives of the Crown and the representatives of the zamindars, as well as from Regulations, rulings and works of reference. Two classes of definition have been brought forward. One class is worded as follows—"A navigable river is a river which is navigable." The other class shuns tautology and lays down the maxim "A navigable river is a river which is as wide as a piece of string and as deep as a hole in the ground." I cannot say that I have found either class of definition helpful. Perhaps the nearest approach to exactitude is made by Ulpian, the Roman Jurist. He includes among navigable rivers any river along which rafts can pass "because rafts are often very useful." If Ulpian had lived in Bakarganj he would probably have modified his definition. Rafts and *dingis* ply in exiguous creeks throughout the district, and any definition based upon their passage would increase the "public domain" of the Crown to an extent never contemplated. To arrive at a working definition, we must give up generalities and come to figures. We must either say that all rivers are navigable which allow the passage of boats of so many tons burden at all times of the year and at all states of the tide ; or we must say that all rivers of certain dimensions are presumed to be navigable. The former plan would be difficult to carry out in practice ; and although the latter plan presents difficulties in regard to depth, it is feasible in regard to width. The Survey Department divides rivers into two classes—(1) those which are 3 chains or less in width, and (2) those which are more than 3 chains in width. In the former class a traverse line is taken along one bank and in the latter class along both banks. Three chains equal 66 yards. I do not think we can do better than adopt this criterion. Let all rivers which are more than 66 yards in width be classed as "navigable" and dealt with according to the instructions contained in paragraph 6. Let necessary changes be made in the record wherever required. I shall ask the survey officer to prepare a congregated map of each thana, colouring in red all the rivers which are more than 66 yards wide. The average width should be taken into consideration.

9. In regard to rivers which are not "navigable," the practice hitherto adopted will be maintained. The Thakbust map may be taken as the criterion until the contrary is shown ; that is to say, the existing bed of the river will in the first instance be shown as appertaining to the mauza or mauzas to which the river at the time of the thak was shown to appertain, even though the existing river be not now in exactly the same geographical position as the river at the time of the thak. Any proprietor who is dissatisfied can institute a case under section 106, when the matter will be thoroughly enquired into. It is likely that this course will create less friction between proprietors than any attempt to follow the doctrine of common law which bisects the boundary channel and allows each riparian owner to exercise dominion *ad medium flum alvei*.

10. The question of fisheries is often mixed up with the question of ownership of river-beds. The two questions are really quite distinct. I do not think that revenue officers acting under Chapter X of the Tenancy Act have any direct concern with fisheries. It would appear from section 193 that the provisions of the Act relating to rent-suits are applicable "as far as may be" to fisheries. There is no corresponding section in regard to Chapter X. At the most, a fishery may be noted in the remarks column as an easement. How far this will have any legal effect is doubtful in view of the ruling contained in L. L. R. Cal., XXVII, 364. Fishing rights are however of great importance to the village community and should be duly mentioned in the "Mauza Notes," as contemplated by the Board of Revenue.

11. It only remains to add that throughout this proceeding the term "proprietor" includes Government in the case of khas mahals. Government is also the sole zamindar of the pargana of Buzurg Umedpur.

APPENDIX J.

Government estates for which re-settlement of land revenue was made during the district operations.

PART I.

Serial number.	Tauzi number.	Thana.	Area.	Previous revenue.	Ultimate revenue after re-settlement.	PERIOD—	
						From	To
1	2	3	4	5	6	7	8
				Rs. A. P.	Rs. A. P.		
1	1437	Patuakhali, Bakarganj, Nalchiti.	474-50	2,139 8 11½	2,749 3 0	1907	1922
2	1447	Patuakhali	47-01	119 0 0	181 1 0	1907	1922
3	1475	Nalchiti	5-43	8 10 0	14 12 0	1907	1922
4	1546	Patuakhali	22-28	96 4 3	76 5 0	1911	1922
5	17-2	Mehendiganj	4-10	17 11 9	30 7 0	1910	1925
6	2002	Patuakhali	24-29	48 9 3	82 0 0	1910	1925
7	2005	Banphal	372-00	583 0 0	1,094 6 0	1907	1922
8	2822	Mehendiganj and Bhoja	4-36	12 1 9	20 14 0	1908	1923
9	2833	Mehendiganj	-43	2 5 3	3 3 0	1909	1924
10	2891	Ditto	3-39	7 0 0	18 10 0	1909	1924
11	3159	Ditto	14-96	110 9 3	71 12 0	1908	1923
12	3435	Ditto	4-41	13 13 3	23 9 0	1908	1923
13	4532	Antali	2,528-92	2,333 0 0	4,163 0 0	1909	1923
14	4538	Do.	4,374-02	6,127 0 0	7,699 0 0	1910	1925
15	4-39	Gola-chipsa	12,465-92	9,421 0 0	14,625 0 0	1912	1927
16	4549	Antali	4,538-56	2,472 0 0	13,701 15 0	1910	1925
17	4541	Do.	1,619-60	1,169 0 6	3,427 0 0	1910	1925
18	4543	Do.	6,491-18	3,437 0 0	9,687 0 0	1910	1925
19	4544	Do.	1,466-58	771 0 0	2,207 0 0	1910	1925
20	4545	Do.	3,090-76	2,419 0 0	6,325 0 0	1910	1925
21	4548	Do.	220-02	254 0 0	513 0 0	1909	1924
22	4549	Do.	292-49	211 0 0	631 14 0	1907	1923
23	4550	Do.	6,610-95	12,504 9 6	26,549 11 0	1910	1924
24	4552	Patuakhali	2,588-27	5,328 0 0	8,509 0 0	1912	1927
25	4589	Ditto	313-25	675 0 0	1,054 0 0	1911	1926
26	4591	Ditto	104-02	122 0 0	386 0 0	1908	1923
27	4592	Ditto	201-83	394 0 0	518 0 0	1912	1927
28	4593	Ditto	171-77	293 0 0	630 0 0	1912	1927
29	4594	Ditto	40-86	90 0 0	179 0 0	1912	1927
30	4596	Ditto	73-78	131 0 0	230 0 0	1912	1927
31	4597	Ditto	130-65	210 0 0	396 0 0	1912	1927
32	4598	Ditto	78-28	82 0 0	308 8 0	1908	1923
33	4599	Ditto	114-64	211 0 0	320 0 0	1912	1927
34	4673	Matbaria	22,675-7	6,770 9 0	10,341 5 0	1910	1925
35	4580	Antali	4,124-07	802 4 5	1,532 6 0	1910	1925
36	4581	Do.	4,821-07	624 5 6	760 8 0	1910	1925
37	4583	Do.	5,085-19	778 1 2	1,674 8 0	1910	1925
38	4593	Mehendiganj	493-88	1,341 2 7	1,582 7 0	1908	1923
39	4595	Ditto	551-83	1,301 7 3	1,635 0 0	1908	1923
40	4600	Antali	8,540-03	1,545 0 0	3,638 1 0	1909	1924
41	4603	Do.	2,402-45	3,069 0 0	4,559 0 0	1910	1924
42	4607	Gola-chipsa	25,295-43	18,711 0 0	31,204 0 0	1912	1927
43	4609	Antali	10,401-48	4,080 0 0	8,631 0 0	1909	1924
44	4638	Barisal	293-60	1,072 0 0	1,854 0 0	1907	1922
45	4639	Do.	686-19	2,345 11 9	2,618 2 0	1907	1922
46	4640	Do.	551-04	1,367 0 0	3,123 0 0	1907	1922
47	4643	Patuakhali	1,391-45	3,276 0 0	4,914 0 0	1911	1926
48	4644	Antali	1,132-88	2,583 0 0	4,160 0 0	1911	1926
49	4645	Patuakhali	970-85	2,355 0 0	3,285 0 0	1911	1926
50	4652	Mehendiganj	15-72	90 0 0	59 14 0	1907	1922
51	4657	Barisal	231-14	1,317 15 6	1,417 0 0	1907	1922
52	4699	Patuakhali	547-13	1,257 0 0	1,773 0 0	1911	1926
53	4698	Gola-chipsa	134-27	332 6 0	868 10 0	1907	1922
54	4-94	Patuakhali	509-17	1,276 0 0	1,720 0 0	1910	1925
55	4710	Pirozpur	-72	2 0 0	2 12 0	1910	1925
56	4719	Banphal	73-02	145 0 0	234 11 0	1907	1922
57	4740	Bhoja	1,393-89	2,046 11 3	2,708 11 0	1910	1925
58	4764	Patuakhali	2,509-45	3,823 0 0	6,420 0 0	1911	1926
59	4778	Barisal	749-36	2,598 0 6	2,842 2 0	1908	1923
60	4791	Pirozpur	2,133-66	7,644 5 0	11,015 4 0	1910	1925
61	4801	Antali	8,086-39	14,279 0 0	25,370 5 0	1910	1925
62	4804	Barisal	197-72	499 13 10	610 12 0	1911	1926
63	4828	Gola-chipsa	9,472-90	10,630 0 0	11,812 0 0	1911	1926
64	4883	Pirozpur	39-95	60 0 0	57 0 0	1910	1925
65	49-9	Mehendiganj	5,933-97	3,057 0 0	18,343 1 0	1910	1925
66	4989	Ditto	216-91	398 14 6	668 4 0	1908	1923
67	5001	Gaurandi	333-30	728 11 0	992 13 0	1910	1925
68	5007	Antali	9,143-94	30,048 9 8	36,070 8 0	1910	1925
69	5008	Do.	20,308-44	61,573 6 0	69,893 3 0	1910	1925
70	5075	Patuakhali	28-97	191 0 6	187 3 0	1907	1922
71	5097	Matbaria	594-11	1,125 0 0	1,390 2 0	1910	1925
72	5111	Patuakhali	27-10	191 0 0	150 3 6	1907	1922
73	5215	Bhoja	2,217-49	4,742 13 9	5,976 9 0	1910	1925
74	5216	Do.	4,512-02	11,864 12 11	14,080 10 0	1910	1925
75	5221	Do.	992-93	3,036 2 0	3,416 0 0	1910	1925
76	5223	Barakhauddin	2,7-6-71	2,741 0 0	4,163 0 0	1910	1925
77	5224	Ditto	74-37	15 0 0	40 0 0	1910	1925
78	5237	Ditto	8,142-36	4,509 0 0	20,174 0 0	1913	1928
79	5241	Ditto	440-40	698 9 0	590 13 0	1910	1925
80	5242	Ditto	2,054-49	2,756 0 0	3,168 0 0	1910	1925
81	5243	Ditto	11,513-78	14,879 4 0	28,912 13 0	1910	1925
82	5247	Ditto	462-77	899 0 0	500 0 0	1910	1925
83	5248	Ditto	1,236-95	947 0 0	1,834 0 0	1910	1925
84	5249	Ditto	2,442-08	614 13 9	6,692 2 0	1910	1925
85	5250	Ditto	1,738-84	5,523 5 0	6,197 7 0	1910	1925
86	5258	Ditto	11,730-00	14,572 10 0	23,400 1 0	1910	1925
87	5260	Ditto	1,089-53	779 2 2	2,759 7 0	1909	1924

Serial number.	Tausi number.	Thana.	Area.	Previous revenue.	Ultimate revenue after re-settlement.	PERIOD—	
						From	To
1	2	3	4	5	6	7	8
				Rs. A. P.	Rs. A. P.		
88	5263	Bhoi	6,402.57	6,065 0 0	10,387 7 11	Transferred to Non-khali after re-settlement.	
89	5264	Do.	1,650.60	2,073 7 0	2,788 2 0	1910	1925
90	5265	Barāhānuddin	988.69	1,008 0 0	1,482 0 0	1910	1925
91	5266	Ditto	680.40	330 0 0	1,029 0 0	1910	1925
92	5267	Ditto	166.35	438 4 10	516 5 0	1909	1924
93	5268	Nalchiti	51.51	157 0 0	215 8 0	1910	1925
94	5269	P. tuakkhali	8.08	44 8 0	12 4 0	1908	1923
95	5270	Ma bāra	188.81	850 8 0	852 0 0	1910	1925
96	5271	Golachipā	4,611.85	440 10 9	1,000 0 0	1912	1922
97	5272	Nalchiti	49.74	207 0 0	250 0 0	1907	1922
98	5273	Barisal	13.45	61 0 0	62 15 0	1907	1922
99	5274	Nalchiti	10.21	51 10 3	51 4 0	1907	1922
100	5275	Do.	.35	0 13 0	1 0 0	1907	1922
101	5276	Bakarganj	9.34	18 0 0	32 8 0	1907	1922
102	5277	Nalchiti	18.17	41 5 3	63 6 0	1907	1922
103	5278	P. tuakkhali	8.55	22 1 4	24 13 0	1907	1922
104	5279	Golachipā	635.18	1,189 0 0	2,87 15 0	1907	1922
105	5280	Patuakhali	72.89	343 1 0	340 8 0	1907	1922
106	5281	Ditto	42.21	187 0 3	158 4 0	1907	1922
107	5282	Nalchiti	76.20	315 12 3	355 8 0	1907	1922
108	5283	Patuakhali	28.87	113 10 7 1/2	150 7 0	1907	1922
109	5284	Golachipā	81.13	239 12 0	437 9 0	1907	1922
110	5285	Do.	12.27	95 6 3	90 13 0	1907	1922
111	5286	Bakarganj	10.55	41 0 0	57 0 0	1907	1922
112	5287	Golachipā	519.18	2,88 15 0	2,106 18 0	1907	1922
113	5288	Nalchiti	90.41	221 10 7	356 3 0	1910	1925
114	5289	Do.	64.75	106 0 0	192 4 0	1907	1922
115	5290	Patuakhali	41.13	173 10 6	248 9 0	1907	1922
116	5291	Ditto	8.09	35 7 9	34 6 0	1907	1922
117	5292	Golachipā	210.83	661 8 0	848 4 0	1907	1922
118	5293	Barāhānuddin	840.04	755 12 9	1,997 9 0	1910	1925
119	5294	Gauradi	73.8	124 0 0	134 7 0	1908	1923
120	5295	Mehendiganj	60.51	146 15 0	177 7 0	1908	1923
121	5296	Ditto	102.69	102 2 0	289 0 0	1910	1925
122	5297	Bhoi	1,828.07	2,008 5 9	3,608 15 0	1910	1925
123	5298	Barāhānuddin	1,862.04	2,219 10 10	2,666 10 0	1910	1925
124	5299	Bauphal	18.63	68 0 9	69 3 0	1907	1922
125	5300	Barāhānuddin	31.21	58 3 2	72 11 0	1911	1926
126	5301	Bauphal	100.97	180 0 0	325 3 0	1907	1922
127	5302	Mehendiganj	80.54	71 6 9	14 0 0	1910	1925
128	5303	Bauphal	103.36	233 9 4	388 10 0	1910	1925
129	5304	Barāhānuddin	1,166.86	637 7 9	3,189 12 0	1910	1925
130	5305	Barisal	88.21	199 12 0	266 6 0	1908	1923
131	5306	Ma'enitlanj	3,997.82	.....	3,560 0 0	1911	1926
132	5307	Barāhānuddin	19,740.30	.....	39,015 0 0	1910	1925*
		Total	298,451.04	3,40,824 16 1	6,61,680 18 11		

*Char Fasson. Civil suit pending.

सत्यमेव जयते

List of temporarily-settled private estates for which re-settlement of land revenue was made during the district operations.

PART II.

Serial number	Tanzi number.	Thana.	Area.	Previous revenue.	Ultimate revenue after re-settlement	PERIOD.	
						From	To
1	2	3	4	5	6	7	8
				Rs. A. P.	Rs. A. P.		
1	4508	Gaurnadi	31-37	01 0 0	108 0 0	1908	1923
2	4533	Jhalakati	97-01	127 0 0	1,207 0 0	1910	1915
3	4574	Bakarganj	8-49	43 0 0	93 3 10	1905	1920
4	4675	Nalchiti	94-33	404 0 0	5-7 0 0	1907	1922
5	4605	Bakarganj	471-33	1,445 0 0	1,758 0 0	19-7	1923
6	4606	Ditto	1-00	3 11 0	4 0 0	1907	1-22
7	4618	Prozour	426-29	109 0 0	1,308 0 0	1910	1925
8	4619	Ditto	84-55	323 1 1	271 0 0	1910	1915
9	4620	Ditto	73-39	568 0 0	553 0 0	1-1	1925
10	4625	Ditto	581-85	1,216 0 0	1,971 0 0	1910	1925
11	4626	Ditto	31-00	270 0 0	355 0 0	1910	1925
12	4629	Ditto	186-94	492 0 0	540 0 0	1910	1925
13	4633	Barisal	226-30	666 0 0	725 0 0	1-07	1922
14	4634	Gaurnadi	58-18	173 0 0	178 0 0	1907	1922
15	4635	Nalchiti	73-11	214 0 0	2 4 0 0	1-07	19-2
16	4646	Burāhanuddin	3,401-87	5,643 0 0	6,861 0 0	19-0	1923
17	4651	Gaurnadi	341-55	400 0 0	833 0 0	1909	1924
18	4655	Ditto	22-92	193 0 0	5-7 0 0	1-10	1-25
19	4657	Jhalakati	65-84	135 3 3	191 0 0	19-0	1925
20	4700	Swarnapatti	73-94	237 0 0	263 0 0	1910	1925
21	4703	Bāpali	14-26	61 0 0	51 0 0	1-07	19-2
22	4709	Pirozpur	4-82	13 14 9	18 2 11	1914	1921
23	4711	Ditto	9-94	28 10 11	20 0 0	1910	1925
24	4-3	Bhāndāra	137-98	388 13 0	455 0 0	19-0	1925
25	4715	Bakarganj	31-00	73 0 0	87 0 0	10-7	1-22
26	4716	Ditto	100-42	163 0 0	423 0 0	9-7	1-22
27	4718	Pirozpur	1-54	3 8 6	2 0 0	18-1	1925
28	4721	Bāpali	65-07	168 0 0	265 5 7	19-7	1924
29	4722	Do.	8-9	19 0 0	26 8 10	1906	1-21
30	4724	Putnakhal	67-79	1,674 0 0	2,795 0 0	1907	1924
31	4726	Jhalakati	43-86	116 0 0	144 0 0	1910	1925
32	4727	Barisal	7-52	45 0 0	111 0 0	1-07	19-2
33	4729	Bakarganj	2-29	9 5 3	10 0 0	1-06	19-1
34	4730	Ditto	53-62	84 0 0	19 0 0	19-7	1924
35	4731	Ditto	101-64	200 0 0	244 0 0	19-0	1925
36	4733	Mutbaria	270-82	717 0 0	970 0 0	1910	1925
37	4-34	Jhalakati	101-94	552 0 0	792 0 0	1907	1924
38	4741	Barisal	4-00	21 0 0	78 0 0	1908	1923
39	4742	Gaurnadi	49-01	56 0 0	76 0 0	1907	1923
40	4743	Bakarganj	27-40	59 0 0	65 0 0	1907	1922
41	4744	Ditto	74-15	169 0 0	304 5 10	19-7	1922
42	4745	Putnakhal	154-59	611 0 0	728 0 0	1917	1922
43	4747	Bakarganj	72-53	171 0 0	206 0 0	1917	1922
44	4-48	Bholi	427-16	7-4 0 0	8 5 0 0	1911	1925
45	4749	Bakarganj	87-91	244 0 0	300 0 0	19-7	1922
46	4751	Ditto	116-00	348 0 0	4 9 0 0	1919	1921
47	4753	Pirozpur	7-33	23 9 11	27 8 5	19-7	19-5
48	4756	Bakarganj	15-18	30 0 0	42 0 0	19-7	19-2
49	4757	Bāpali	47-15	1,13 0 0	1,507 0 0	1-07	1922
50	4758	Do.	56-38	95 0 0	101 0 0	19-7	19-2
51	4772	Gola bira	419-31	787 0 0	802 0 0	19-7	1922
52	4-73	Bāpali	35-77	52 9 0	78 0 0	1-07	1922
53	4775	Putnakhal	625-56	2,811 0 0	3,249 0 0	19-8	1923
54	4782	Jhalakati	80-62	198 0 0	210 0 0	1910	1925
55	4786	Bakarganj	5-00	46 0 0	1 0 0	1907	1-24
56	4797	Nalchiti	62-11	182 7 3	145 0 0	1907	1-22
57	4718	Burāhanuddin	1,384-57	1,918 0 0	3,207 0 0	1910	1925
58	4811	Bāpali	73-42	12 11 1	16 6 0	1-07	1-22
59	4812	Do.	34-98	63 0 0	81 0 0	1908	1921
60	4814	Do.	48-11	125 0 0	179 0 0	19-5	19-0
61	4817	Gola bira	104-70	303 0 0	404 0 0	1907	1922
62	4818	Bakarganj	554-91	1,406 8 0	1,820 0 0	19-0	1922
63	4819	Pirozpur	370-42	922 11 11	1,205 0 0	1919	19-5
64	4820	Nalchiti	5-09	12 7 0	17 7 11	1904	1921
65	4825	Ditto	7-92	36 6 0	52 0 0	1905	1919
66	4826	Ditto	8-37	38 13 6	54 0 0	1905	1919
67	4829	Bakarganj	10-02	26 14 6	25 0 0	1-10	1924
68	4830	Ditto	1-11	5 6 3	4 15 3	1916	19-5
69	4831	Ditto	89-37	245 0 0	300 0 0	19-6	1921
70	4801	Jhalakati	2-08	14 9 3	7 0 0	1910	1-25
71	4-07	Gola bira	46-09	4 0 0	84 8 1	19-7	1922
72	4933	Mehendganj	1,119-20	1,514 0 0	2,550 0 0	19-8	1-23
73	5219	Bhola	1,297-40	3,436 7 0	4,133 14 9	1910	1925
74	5225	Burāhanuddin	2,595-61	3,755 0 0	6 89 11 10	1910	1925
75	5226	Ditto	2,042-06	3,118 0 0	5,192 14 8	1910	1925
76	5227	Ditto	2,083-20	5,123 9 6	6,028 7 0	1910	1925
77	5228	Bhola	827-20	1,333 0 0	1,465 0 0	1-10	1-25
78	5229	Do.	91-94	2,317 15 6	2,341 11 8	9-0	1913
79	5230	Do.	2,181-61	5,542 15 2	6,538 14 5	1910	1925
80	5231	Do.	678-94	3,312 9 3	2,825 0 1	1910	1925
81	5233	Do.	3,797-06	5,198 0 0	8,574 1 11	1-10	1925
82	5234	Do.	1,441-8	3,663 13 3	4 156 0 0	1910	1925
83	5236	Burāhanuddin	2,232-94	2,780 0 0	5,497 10 0	1910	1925
84	5240	Ditto	1,344-85	1,905 0 0	2,347 0 0	1909	1924
85	5243	Ditto	1,992-10	1,530 9 9	4,512 2 2	1910	1925
86	5246	Ditto	4,357-35	4,097 0 0	9,947 5 5	1910	1925
87	5-52	Ditto	400-68	564 0 0	1,040 10 0	1-10	1-25
88	5268	Ditto	3-88-23	605 0 0	789 6 3	1910	1-15
89	5271	Ditto	1,267-35	111 0 0	2,526 7 2	1910	1925
90	5272	Ditto	1,793-03	239 0 0	3 7 14 9	19-0	1925
91	5-81	Bhola	8,425-06	22,573 8 0	27 660 5 0	1910	1925
92	5292	Do.	81-24	198 3 6	241 8 5	1910	1925

Serial number.	Tausi number.	Thana.	Area.	Previous revenue.	Ultimate revenue after re settlement.	PERIOD.	
						From	To
1	2	3	4	5	6	7	8
				Rs. A. P.	Rs. A. P.		
93	6054	Barāhānuddin	682-75	1,046 0 0	1,227 0 0	1909	1924
94	6312	Gaurnadi	169-91	469 0 0	485 0 0	1908	1923
95	6313	Ditto	117-97	286 0 0	313 0 0	1908	1923
96	6314	Swarnpkṛti	237-44	459 0 0	575 0 0	1910	1925
97	63 7	Mehendiganj	412-32	423 0 0	1,081 0 0	1908	1923
98	6319	Ditto	58-19	111 0 0	177 0 0	1907	1922
99	6320	Gaurnadi	13-76	10 0 0	24 0 0	1908	1923
100	6322	Ditto	26-31	45 0 0	70 0 0	1908	1923
101	6326	Mehendiganj	369-67	525 0 0	919 0 0	1911	1924
102	6327	Gaurnadi	316-06	376 0 0	516 0 0	1908	1923
103	6330	Ditto	357-53	102 0 0	706 0 0	1911	1926
104	6331	Mehendiganj	201-19	268 0 0	437 0 0	1907	1922
105	6334	Ditto	591-02	1,694 0 0	1,394 0 0	1910	19 5
106	6336	Gaurnadi	39-62	38 0 0	103 0 0	1908	1923
107	6338	Mehendiganj	56-92	149 0 0	171 0 0	1907	1922
108	6343	Ditto	26-25	50 0 0	53 0 0	1907	1922
109	6345	Gaurnadi	223-65	626 0 0	528 0 0	1908	1923
110	6354	Do.	509-72	688 0 0	842 0 0	1909	1924
111	6355	Mehendiganj	16-46	26 0 0	38 0 0	1907	1 22
112	6356	Ditto	53-01	80 0 0	120 0 0	1 07	1922
113	6357	Ditto	8-38	10 0 0	17 0 0	1907	1922
114	6364	Golaṣhipā	148-34	39 0 0	22 0 0	1907	19 2
115	6367	Bāuphal	49-54	93 0 0	180 9 8	1906	1921
116	6368	Mehendiganj	8-13	46 0 0	32 0 0	1908	1923
117	6369	Golaṣhipā	41-79	101 0 0	234 0 0	1908	1923
118	6370	Barāhānuddin	15-98	20 0 0	28 0 0	1908	19 3
119	6374	Rhoā	28-09	15 0 0	27 0 0	1908	1923
120	6378	Do.	1,348-71	786 0 0	2,185 0 0	1909	1924
121	6382	Barāhānuddin	396-44	680 0 0	745 0 0	1909	1924
122	6389	Gaurnadi	445-27	657 0 0	1,007 0 0	1911	1926
123	6390	Mehendiganj	11-46	144 0 0	23 0 0	1908	1923
124	6391	Ditto	189-06	324 0 0	477 0 0	1911	1926
125	6393	Ditto	53-18	30 0 0	78 0 0	1908	1923
126	6397	Barāhānuddin	34-10	57 0 0	68 0 0	1908	1923
127	6403	Ditto	191-30	241 0 0	415 11 4	1910	1925
128	6404	Bāuphal	13-81	20 0 0	32 0 0	1907	1922
129	6405	Golaṣhipā	264-43	338 9 10½	317 0 0	1907	1922
130	6406	Bāuphal	114-05	70 0 0	95 0 0	1910	1925
131	6410	Barāhānuddin	343-38	216 0 0	516 0 0	1908	1923
132	6411	Mehendiganj	544-67	359 0 0	1,144 0 0	1908	1923
133	6418	Barāhānuddin	98-95	195 0 0	248 0 0	1908	1923
134	6419	Mehendiganj	22-06	30 0 0	47 0 0	1908	1923
135	6420	Ditto	168-74	400 0 0	500 0 0	1911	1926
136	6421	Lirozpur	73-04	62 0 0	156 0 0	1911	1926
137	6422	Mehendiganj	24-14	44 0 0	59 0 0	19 7	1922
138	6423	Barisāl	410-62	533 0 0	811 5 7	1908	1923
139	6427	Bāuphal	13-90	198 0 0	253 0 0	1907	1922
140	6428	Golaṣhipā	4-73	9 11 0	7 0 0	1908	1923
141	64 0	Mehendiganj	768-61	724 0 0	1,277 0 0	1911	19 6
142	6434	Rhoā	1,023-91	300 0 0	803 7 0	1909	1924
143	6434	Do.	801-72	1,877 8 0	2,323 10 6	1910	1925
144	6467	Barisāl	38-67	120 0 0	133 0 0	1907	1923
145	64 8	Do.	6-06	20 0 0	20 0 0	1907	1922
146	6474	Golaṣhipā	4,373-09	1,299 0 0	4,464 0 0	1908	1923
147	6486	Barāhānuddin	1,555-13	2,435 4 1	3,600 9 2	1911	1926
148	6562	Gaurnadi	808-25	1,778 13 10	2,929 15 0	1910	1925
Total ...			74,878-85	1,23,560 2 10½	1,85,790 10 5	.....	.....

APPENDIX K.

Comparison of the rental of raiyats in the temporarily-settled area after assessment with the rental of raiyats in the rest of the district.

NAME OF THANA.	RENTAL OF RAIYATS IN THE TEMPORARILY-SETTLED AREA UNDER REVISION OF LAND REVENUE.						RENTAL OF RAIYATS IN THE REST OF THE THANA	
	Raiyats holding directly under Government.		Raiyats holding under private proprietors.		Raiyats holding under middlemen of all kinds.		Area held.	Rate of rent per acre.
	Area held.	Rate of rent per acre	Area held.	Rate of rent per acre.	Area held.	Rate of rent per acre		
SADAR SUBDIVISION.	Acres.	Rs. a.	Acres.	Rs. a.	Acres.	Rs. a.	Acres.	Rs. a.
Gaurnadi ...	424	2 14	2,824	3 3	432	5 7	119,824	3 10
Jhalakāti ...	...	...	222	9 9	212	8 2	43,469	5 0
Nalchhiti ...	170	4 9	71	4 9	192	7 5	28,070	5 3
Bākarganj ...	44	6 7	619	3 14	868	6 9	59,402	5 14
Barisāl ...	1,276	3 13	375	4 3	1,470	6 6	56,545	5 2
Mehendiganj ...	4,248	4 3	2,563	3 1	3,770	4 1	117,819	5 0
PATUAKHALI SUB-DIVISION.								
Patuākhāli ...	456	4 11	565	6 6	9,490	6 12	106,056	6 4
Āmtali ...	12,917	3 4	...	...	37,847	5 7	65,887	6 8
Galāchipā ...	1,185	3 10	1,841	2 2	29,547	3 4	83,358	4 15
Bāuphal ...	570	3 2	590	3 14	589	5 0	74,244	5 5
PIROZPUR SUBDIVISION.								
Swarupkāti ...	...	...	244	3 15	54	5 1	75,178	2 14
Pirozpur ...	317	5 4	813	4 0	2,409	6 11	36,846	4 11
Bhāndāriā ...	...	...	95	4 2	41	6 4	26,766	5 1
Matbāriā ...	509	3 11	153	4 13	961	4 1	56,532	5 8
DAKSHIN SAHABAZ-PUR SUBDIVISION.								
Eholā ...	4,987	3 0	4,626	3 1	23,535	4 0	88,316	3 7
Barāhānuddin ...	12,215	2 15	2,911	2 12	39,083	3 13	82,071	2 4
Total of the district	39,318	3 5	18,591	3 5	150,212	4 7	1,120,463	4 9

APPENDIX I.

Papers relative to the assessment of the Marichbunia group of estates.

- I. Memorandum of the Settlement Officer, dated 5th May 1908, proposing the application of section 112, Bengal Tenancy Act, to rents of the estates.
- II. Memorandum of the Director of Land Records, dated 5th May 1908, refusing to support the proposal.
- III. Memorandum of the Settlement Officer, dated 13th January 1909, on the method of assessment.
- IV. Order of the Board of Revenue, dated 24th April 1909, on the method of assessment.
- V. Letter No. 789—800 T., dated 17th April 1909, from the Director of Land Records to the Secretary to the Board of Revenue.
- VI. Letter No. 268 S. & S.-G., dated 24th May 1909, from the Secretary to the Board of Revenue to the Director of Land Records.
- VII. Letter dated 1st October 1909, from the Settlement Officer of Bakarganj to the Director of Land Records.
- VIII. Report of Mr. F. D. Ascoli, i.c.s., on the result of investigations conducted in the estates.
- IX. Statement of case and Advocate-General's opinion upon the application of section 3, Regulation VII of 1822, to Sundarban talukdars.
- X. Statement of case and Advocate-General's opinion upon the merger of tenures.
- XI. Memorandum by the Director of Land Records, dated 12th December 1910, on a revision in the form of kabuliyat.
- XII. Reply of the Secretary to the Board of Revenue, dated 6th January 1911, to the memorandum.
- XIII. Letter No. 38 S. & S., dated 6th January 1911, from the Secretary to the Board of Revenue to the Director of Land Records.
- XIV. Letter No. 789-542 T., dated 14th January 1911, from the Director of Land Records to the Secretary to the Board of Revenue.
- XV. Letter No. 207 S. & S., dated 17th January 1911, from the Secretary to the Board of Revenue to the Director of Land Records.
- XVI. Report by Mr. F. D. Ascoli, i.c.s., dated October 1912 on the result of subsequent investigations in the estates.
- XVII. Report of the investigating officers—
 - (1) Maulvi Muhammad Mahiuddin, Revenue Officer, dated 2nd October 1912.
- XVIII.
 - (2) Maulvi Sheikh Abdullah, Revenue Officer, dated 3rd October 1912.

I.

Memorandum of the Settlement Officer (Mr. J. C. Jack), dated 5th May 1908, proposing the application of section 112, Bengal Tenancy Act.

THESE orders (the system of April 1908) refer to some 18 estates in all. On examining the figures of these estates I find that in each estate the rates paid by raiyats

- (1) differ very greatly,
- (2) are in general excessive.

They differ very greatly from no considerations of the fertility of the soil. In most cases of high rents—I might say in almost all—the high rent has been exacted since the talukdar bought in the undertenure under which the raiyats are tenants. The cases of lower rates are almost entirely in the haolas and undertenures, which the talukdars have not as yet bought in.

As proof of the differences, I give complete lists of all holdings in two of the smaller estates, viz., Patukhali and Kalikabari.

In Patukhali, there are 19 holdings in which the rent is under Rs. 6 an acre or Rs. 2 a bigha, 144 in which the rents are between Rs. 6 and Rs. 8 (the majority being well over Rs. 7), 38 between Rs. 8 and Rs. 10 and 25 of Rs. 10 and over.

In Kalikabari, there are 12 holdings rented below Rs. 6 an acre, 72 between Rs. 6 and Rs. 8, 47 between Rs. 8 and Rs. 9 and 17 over Rs. 9.

As the fertility of the soil shows no difference to correspond with this variation in rates of rent, it seems unfair to stereotype these rents by taking them as the basis of our settlement rent-roll.

Moreover these rents are very much greater than the rents prevailing in other estates, not being Government estates, in the neighbourhood. The prevailing rate appears in these cases to be about Rs. 4-8 per acre and the highest prevailing rate Rs. 2 a bigha or Rs. 6 an acre.

You will see that in these Government estates very few rentals are at Rs. 6 or under and in the much larger estates, whose figures I have not abstracted, the rents are the same.

In all these estates the raiyats complain bitterly of the rents.

In my opinion after local enquiry the highest rent in local conditions which can fairly be demanded is Rs. 2 per bigha or Rs. 6 an acre.

It is iniquitous that in Government estates the cultivators should pay at far higher rates than in the neighbouring areas under private landlords. Nor have the talukdars any justification on the ground that they are themselves highly assessed. In previous settlements they were assessed at 9 annas a bigha or less than $\frac{1}{2}$ of the ultimate raiyati assets. Similarly it is the talukdars themselves who reap the profit, as they have bought in all the undertenures and after purchase they have made a fresh settlement of the tenants' rents at the present extortionate rates. Thus in Patukhali there are 13 howlas, of which 12 are owned by the talukdars, and 47 undertenures, of which 36 are held by the talukdars, while in Kālikābāri both hāolās and all the undertenures (19 in number) have been purchased by the talukdars.

I may add that in these estates and in most of the others the talukdars are members of the Kalaskāti family.

As these rents are all paid under registered contracts, the only way to make a settlement at rents fair to the cultivator will be to apply for the application of section 112, Bengal Tenancy Act, to these estates.

If you approve, I propose to apply in one letter for all these estates, giving figures of rentals for each. Is there any particular form in which you would wish the application to be made or any statistics, which you would wish to be supplied?

II.

Memorandum of the Director of Land Records (Mr. N. D. Beatson Bell), dated 5th May 1908, refusing to support the application of section 112, Bengal Tenancy Act.

I do not think that we have a strong enough case for action under section 112.

If any of the rents in question are illegal under section 29 of the Tenancy Act, you can reduce them after giving notice to both sides and recording evidence.

When there is marked difference between the raiyati rents of one hāola and another hāola in the same village, it will be better to fix a "standard raiyatwari rate" for each hāolā and then to fix the rent payable by the hāolā concerned.

III.

Memorandum of the Settlement Officer (Mr. J. C. Jack), dated 13th January 1909 (forwarded with the assessment papers of Marichbonia to the Director of Land Records in letter No. 36, dated 10th January 1909.)

I FORWARD herewith the final report of the resettlement of estate Marichbonia, tauzi No. 4552, in the Bakarganj Sundarbans. The revenue being over Rs. 15,000, the sanction of the Board of Revenue is required.

The preliminary report was seen and approved by the Senior Member, the Hon'ble Mr. Savage, C.S.I., on 7th January 1907. The estate was subsequently kept pending, because the rules of the settlement of land revenue in the Sundarbans were changed. However it has now been sent up as originally passed by the Hon'ble Member of the Board.

The Director of Land Records has instructed me to inform the Hon'ble Member that the talukdar wishes to be heard when the final report comes before him, and information to this effect has been given to the talukdar himself.

I wish myself to make some observations upon this settlement, as it appears to me that it is very probable that Government will be involved in litigation, if these proposals are finally confirmed, and further that in the proposals the interests of the raiyats have been insufficiently considered and insufficiently protected.

The draft settlement rent-roll of this estate was prepared strictly in accordance with the printed principles then in force, a copy of which is appended. These principles have been subsequently changed in respect of Sundarban estates. In regard to these estates, two alternative principles are now in force "the system of December 1907" and "the system of April 1908."

There is a large block of estates in the eastern side of the Sundarbans, totalling 82 square miles and with a rent-roll of Rs. 1,54,000 in which the conditions of the grant and the previous settlements of revenue are similar in character to those of Marichbonia. Including Marichbonia an area of 86 square miles is affected with a rent-roll of Rs. 1,71,000. I give a list of these estates with their area and rent-roll in Appendix A.

These are all resumed Sundarban estates leased in perpetuity to a *Shikmi* talukdar. In previous settlements rent was fixed in respect of such tenants as held directly of the talukdar and all other tenants in the estates were ignored, their names or rights not even being mentioned in the proceedings. The talukdar was given a percentage of these rents, sometimes 20 per cent, sometimes 23½ per cent., sometimes 25 per cent.

In the present settlement all the tenants of whatever description or degree have been recorded and the rents actually paid by the cultivators, being maintained, have been made the basis of the settlement. In Marichbonia under the old printed rules 70 per cent. of these rents (hereinafter called the raiyati assets) has been taken as the Government revenue, 15 per cent. has been given to the talukdar and 15 per cent. divided between the tenureholders under him and the subordinate tenureholders between them and the raiyats.

The "system of April 1908" has been applied to the other estates. A copy of this "system" is appended. Under it the haoladars or immediate tenants under the talukdars are assessed at a bigha rate, which is 30 per cent. lower than the rate of their own raiyats, while the talukdar gets 20 per cent. of his own assets.

It will be observed that in the former case Government gets 70 per cent. of the gross raiyati assets, in the latter 44 per cent.

The points to which I wish to draw attention are—

- (1) in previous settlements the immediate tenants under the talukdars have been, recognized as "maurasi raiyats" and rents have been settled for them as such—whereas in the present settlement they are recorded and treated as tenureholders;
- (2) a very large number of these tenures (haolas) are held by the talukdars themselves;
- (3) there is a very wide discrepancy between the rents paid by raiyats under the different haolas which has no justification in a varying fertility of the soil.

All these estates are resumed Sundarban forest, in which at the time of resumption some clearance had been effected by certain classes of tenants. In these estates after resumption the encroaching zamindar was given a talukdari settlement and those who held immediately of him, whether osat talukdars or haoladars were recognised as "maurasi raiyats," apparently because they possessed definite rights, *e.g.*, the right of transfer, and their under-tenants had no such rights. Mr. Lampier conducted most of these settlements. In other or later settlements this is amplified. In one case they are described as having "well defined rights" in another it was found "inadvisable" to make the settlement with raiyats, because they "were greatly dependant for their advances upon the superior under-tenants." However, in all cases the existence of a class of "karshās" or raiyats who had no well-defined rights is mentioned at an early date along with the nim haolās, osat-haolās, osat nim haolās derived from the parent haolā.

All the estates in this block fell in for settlement about 1877 and principles for carrying out the settlement were laid down by the Board of Revenue in their No. 352 A, dated 17th May 1877 (paragraph 9) under which a jamabandi in eight of these estates was prepared. The principle followed was to prepare a raiyatwari jamābandi, to ignore all other undertenure-holders and to give the haolādār 20 per cent. on his raiyati assets. The haolādārs appealed. Act VIII (B.C.) of 1879 was passed, in which great stress was laid upon finding the true raiyat. As a result the settlements were not sanctioned and the jamabandis were dropped altogether. Mr. Pargiter, Commissioner in the Sundarbans, now took up all these estates and in elaborate proceedings under section 5 of Act VIII, he proceeded to determine who was the raiyat under section 6. The most complete enquiry is appended as Appendix C and will show Mr. Pargiter's reasons for holding that the howladar was the true raiyat. A similar proceeding is found in all estates except Kākṛābonia and thereby the osat talukdars or Sadar haolādārs are recognised in set terms as the real raiyats. In Rangabali the nim haolādārs were so accepted and in Bara Baisdia the osat nim haoladars. In Kākṛābonia the haolādārs were recognised as the maurāsi raiyats in the first settlement after resumption.

Thus in all of these estates except two, the haolādārs (or first grade tenure-holders) have been regarded as the "real raiyats" in solemn proceedings, while in the other two the nim haolādārs and osat nim haolādārs have been so regarded. Mr. Pargiter's views are given at length in a letter to Mr. Ellison, his assistant, given in Appendix D to this letter. These settlements were confirmed by the Board and in due course all the other tenants who had been ignored in these settlements appealed to the Board, who called for reports. Mr. Pargiter (Appendix E) sent in each case extracts from the old settlement records of which only one can be found. This is very instructive, as it shows that the original reason why haolādārs were recognized as raiyats was to avoid the burden of deciding the disputes amongst the under-tenants. The appeals were dismissed. Those found are Nos. 155, 156, 157, 161, and 144. In the first four the cultivating raiyats alleged that the improvement of the estate was due to their agency, that the talukdars and haolādārs extorted excessive rents. They ask for copies of the jamābandi and they pray that the rates of rent be reduced and that an order be passed to the effect that if the settlement holder realise anything more than the settlement rates or exercise any sort of oppression, his lease may be cancelled.

In the other petition all classes of under-tenant nim haoladar, osat nim haoladar and raiyat, had joined. They complain of the howladars' oppression and state also that the haolādārs have bribed the āmlāh to get the settlement made with them and to record considerably enhanced rents. They pray therefore that their rents may be fixed by the settlement authorities.

The gist of Mr Ellison's somewhat spirited report is appended as Appendix F.

The Board's final orders on the appeals is given in Appendix G. It may be noted in this connexion that the tenants have since the last settlement had their rents enhanced.

I have given the history of these settlements whose periods have just expired at some length to show that those who held immediately of the talukdar were declared to be the "real raiyats" with some formality, and the ground taken was that they had been so recognised in former settlements. In fact the status given by Mr. Dampier in 1830 immediately after resumption clings to them still.

In the present District Settlement all such and three grades of undertenures as well have been recorded as tenure-holders. In Marichbonia, of which the final report is now submitted, they have been classed and assessed as tenure-holders, while even in the "system of April 1908," which was expressly designed to meet Mr. Pargiter's proceedings, they are treated and in fact assessed as tenure-holders. In view of what has transpired in the matter of the jote, I do not feel easy in my mind in forwarding this report without bringing these facts expressly to notice.

The fact is of course that these tenancies are tenures. The tenure-holders themselves in their relations with their undertenants treat themselves as tenure-holders. There are thousands of haolas in the district, in this thana, in contiguous mauzās and in similar Government estate, all of which are recognised as tenures. Indeed there is not a single other howladar who would not be irritated if his howla were not so recognised. These tenure-holders would doubtless be similarly irritated by any such treatment in the ordinary transactions of life, but there can be no doubt that they will make it a ground of appeal and very probably go to the Civil Courts. Whatever their actual status may be, they have most certainly been treated as raiyats hitherto and they can fairly claim to be treated and assessed as raiyats.

This is not by any means an academic question. If these tenants are raiyats, their rent can only legally be increased under section 104 on the principles relating to raiyats. In addition as their tenants are under raiyats, section 48 applies in the assessment of their own rents and I presume, although the Act is silent on the question, to their tenants' rents. Finally—and this is a very important thing in these settlements—section 22, Bengal Tenancy Act, applies and wherever the talukdar himself owns the *haola*, being a raiyati interest there is no question that it merges.

This leads me to my second point that a very large number of the subordinate tenancies in most of these estates belong to the talukdars. I give the figures of some of the estates to emphasise this point. In Pakshia 14 out of 15 of the Sadar tenures and 28 out of 43 of the subordinate tenures are held by the talukdar. In Bazarghonā 12 out of 13 of the Sadar tenures and 36 out of 47 of the subordinate tenures are so held. In the estate under report, Marichbonia, the figures are 14 out of 34 Sadar tenures and 62 out of 97 subordinate tenures. In Hāzikbāli the figures of Sadar tenures are:—

Estate No.			Estate No.		
4562	...	7 out of 13	4566	...	1 out of 1
4563	...	5 „ 9	4569	...	2 „ 2

Similarly many of the sadar tenure-holders themselves are recorded as owners of the tenancies subordinate to them *e.g.*, in Bara Baisdiā 103 out of 497.

If the sadar tenure-holders are regarded as raiyats and the subordinate tenure-holders as under raiyats, these cases present no difficulty, as under section 22, Bengal Tenancy Act, merger applies and they cease to exist.

If however they are to be treated as tenure-holders, the law is not so clear. Under section 111 (4) of the Contract Act, where the lessor and the lessee of the same property are identical, the sublease is extinguished. I have examined the rulings of the High Court. It does not appear to me that they are very clear, nor that they deal with a condition of affairs such as the above. Legal opinion is necessary first as to whether the law or the rulings really cover the case and, if so, secondly what is the law. In order to make the situation clear, it may be explained that a sublease may come into the hands of the lessor by private or auction sale, by gift or by surrender. In these estates the talukdar got a large grant which he cut up into a number of smaller grants and sublet to haoladars. These in their turn sublet portions to nim howladars and so on. The subleases by one or other of the above methods came into his own hands, and he has kept it alive. In the English law this is impossible and it must I think be clear that to allow such a lease to be kept alive when it comes into the lessor's hands is most illogical and open to grave objection as a temptation to fraud. In similar estates of a more recent origin, it is known that many of the subleases are fictitious, being *benāmi* creations in which the talukdar has leased the land to himself under another name. The family to which most of the estates under reference belongs is notorious for *benāmi* and is so described in Beveridge's History of Bākarganj, whence it is certain that in these estates a large number of the tenures are of this class, but it is quite impossible to prove this after so long a period of time. It is the fact however that in many cases the talukdars have no documentary evidence to prove how the subleases came into their hands. I may give a more recent concrete instance to illustrate the dangers. A grantee of a neighbouring estate created 14 howlas and thereunder 27 nim haolas. Subsequently he surrendered his grant, but he claims the howlas and nim haolas on the ground that they were a valid creation, came into his own hands and were legally

kept alive. As only a small period of time had elapsed, it was comparatively easy in this case to prove that the howlas were fictitious creations but these leases generally are for long periods and, if merger does not apply, it will be very easy for other talukdars to commit similar frauds and escape detection. It is true that this would not avail against a sale under the sale laws, but it avails against a mortgagee and in re-assessments of the Government demand it avails to increase the profits of the grantee because he obtains not merely his profits as talukdar but also a separate profit as haoladar. To my mind not to apply merger to tenures is illogical to a degree. No man can hold two separate interests in a house or a horse. When A gave a lease to B of a house, it would be ludicrous for him to meet B when he tried to enter by representing that he himself held an entirely separate sublease of the house, which was valid against B. I cannot see why it should not be regarded as equally ludicrous in respect of land. Certainly it opens a very wide door to fraud and quite unnecessarily, as it is of no possible benefit, except to give a man who has lost his property a second claim upon it.

In my opinion therefore the settlement proposals for Marichbonia and similar estates should be revised. The status of the tenants should be reconsidered on the basis that the sadar tenure-holders are raiyats. If they are not held to be raiyats, it is for consideration whether merger should not be applied, where the circumstances permit it, to their tenures. If they are held to be raiyats I would propose that section 22, Bengal Tenancy Act, should be applied where permissible, and the remainder should be assessed as raiyats, but should be asked to declare whether they would not be willing to accept their status of tenure-holders. When they see that they will not suffer pecuniarily, they may agree to accept that status and a sensible state of things will be the result. I may add that the under-raiyats would, where at present nim haoladars, etc., have a right of transfer and a right of occupancy by local custom and, where at present raiyats, have a right of occupancy in their holdings.

The remaining point is the condition of the defacto raiyats in these estates. Under the present system of assessment we accept as fair their existing rents whatever they may be, yet these rents vary enormously and without any corresponding variation in the condition of the soil. Thus in Rāngābali we find a tenant holding at Rs. 3 an acre where the next strip in the same field is paying rent of Rs. 7 an acre.

For the estate under reference and other estates an abstract of the rate of rent is given below.

No. of holdings in which the rent per acre is:—

Estate.			Rupees 6 and under.	Between Rs. 6 and Rs. 8.	Between Rs. 8 and Rs. 10.	Over Rs. 10.
Patnakhali	...	...	19	144	38	25
Kalikabari	...	...	12	72	47	17
Marichbonia	...	...	24	280	52	25
Hazikhali 4562	...	...	22	12	...	3
Ditto 4563	...	...	7	16	13	7
Ditto 4564	...	...	4	2	6	2
Ditto 4566	...	...	3	9	5	3
Ditto 4567	...	...	7	18	6	2
Ditto 4569	...	...	10	9	5	5

I repeat that there is nothing in the soil to justify such variations in the rate of rent, indeed it is well known that rates vary according to the greed of the landlord. An easy-going landlord has allowed the old rates to continue, others have made moderate increases and the grasping have made enormous increases, all within the period since the last settlement. Moreover in accepting as fair existing rents we also give the grasping landlord a bonus on his greed, as we give him a percentage of his assets and the higher his assets the greater his profits. It appears to me that this system is essentially objectionable in a Government estate. We have power under section 104, I take it, to reduce excessive rents, and that power should be used in these as it has been in other Government estates.

In conclusion I think it my duty that the tenants of these estates complain bitterly of their landlords. They complain particularly of abwabs and similar exactions. They have complained to the Collector, as they have complained to me. In Marichbonia in 1904 there was serious rioting on this account. The Collector has made an enquiry and found that the complaints were true, and he wrote to me asking that no consideration should be given to these landlords on this account. I also know of my own knowledge that these things are true. Moreover it appears that the tenants complained with equal bitterness of the talukdars at the previous settlement 30 years ago. I may add further that these landlords do not give rent-receipts. It appears to me a scandal that such things should be allowed to continue in Government estates, and the present is clearly the most favourable opportunity to make an end of them. I suggest therefore that the talukdar should be compelled to give written guarantees in the future to give rent-receipts to his tenants and to abstain from realising abwabs and similar exactions. Such guarantees may be published amongst the tenants. If he fail to give such guarantees, I am of opinion that he should be given no higher allowance as profit and collection expenses than the minimum allowed by law.

APPENDIX B.

No. 352 A., dated the 17th May 1878.

From—H. L. DAMPIER, Esq.
To—The Commissioner in the Sunderbans.

I AM directed to acknowledge the receipt of your letter marginally-cited and of its enclosures No. 588, dated the 30th March 1878, reporting on the settlement concluded by Mr. Deputy Collector James Ellison of chak Patuākhālī, situated in the Bākārganj portion of the Sunderbans, and in reply to communicate the following observations and orders of the Board.

2. This estate is fully cultivated and situated over the edge of the Sunderbans and the Board see no reason why it should not be settled on the same principles as are ordinarily followed in making settlements, instead of according to the exceptional method of fixing rents which is adopted in the Sunderbans Estates, much of which is still in forest.

3. To begin with Mr. Ellison's calculations are not founded on the actual rental, which is payable by the raiyats of the Estate, but on an average rate of rent applied to the entire cultivated area, which affords no trustworthy basis. Even if the basis were trustworthy, the calculation by which he allows a deduction first of 20 and then of 25 per cent. on the remainder to the haoladars is a most unnecessary sacrifice of the interest of the Government. This mode of calculation allows a much larger margin to these undertenure-holders than would be allowed to a full proprietor collecting directly from the raiyats.

4. You accept the outcome of Mr. Ellison's calculations as correct, although you arrive at the results in another way. You support your conclusions by the argument that, however an undertenure may have been created between the settlement-holder and the cultivating raiyats, each under tenure-holder in the series is entitled to retain a profit of about 3 annas a bigha out of the rent which he receives from the raiyats or tenure-holder below him.

5. In some parts of the estate there are four degrees of tenure-holders between the settlement-holder and the cultivator, although the settlement only formally recognises one of them—the haoladar.—and you justify the wide difference between the rate of rent payable by the cultivators, and that which is recorded as demandable from the haoladar by the fact that there are so many under-tenants between them to intercept the profits at the rate of 3 annas a bigha each, and in making the calculation you seem to have overlooked the fact that this series of four tenure-holders does not exist over the whole area of the estates, or even nearly the whole area.

6. Moreover your view of the rights of this series of tenure-holders is unsound. The theory is that the tenure-holder is entitled to derive a certain profit from the lands included in his tenure, that is, to pay a lower rent than he receives from those below him as a return for the expenditure of capital and for his enterprise in bringing the lands into cultivation. But the amount of capital and enterprise required to bring lands into cultivation is the same whether the undertaking is performed by one tenure-holder or through the agency of a series of three or four, each of whom has sublet to the one below him. Why then should the proprietor of an estate suffer and obtain less rent from the haoladars than he would otherwise do, merely because the haoladar has chosen (instead of reclaiming the land directly through the agency of his own raiyats) to hand over the trouble and risk to a subordinate tenure-holder at a higher rent than he pays himself, and why should the rent payable by the haoladar to the proprietor be still further diminished because the tenure-holder of the second degree has chosen to create a similar tenure of the third degree?

7. Obviously the profits of each tenure-holder created by a superior tenure-holder should be taken out of the profit of the superior tenure-holder who created the lower tenure, and should reduce that profit instead of diminishing the rent which such superior tenure-holder has to pay.

8. The result of your policy is well illustrated in the case of Patuākhālī. For the sake of enjoying the profit which is allowed to each tenure-holder in the series, the settlement-holders have obviously created tenures of all degrees in their own favour, usually joining the name of some other person to their own to save appearances, so that practically it comes to this that some of the proprietors hold two or three of the under-tenures besides the settlement of the estates and are allowed percentages of deduction to cover the risk and cost of collecting rent from themselves as their own tenants.

9. Under all circumstances of the case, however, the Board will not disturb the present settlement which may stand till the end of the current year 1255 B.S. But they request that in the next cold weather you will make or cause to be made a regular settlement of the estate according to the ordinary settlement rules.

(a) You should begin by making a jamabandi of the amount of rent fairly demandable from each cultivator. I am here to point out that the stith which Mr. Ellison terms a "rent roll" is nothing of the kind as it makes no mention of rents, but only of the areas held by each raiyat.

(b) Where the rent is enhanced, it should be clearly set out on what grounds the enhancement is made [*vide* section 18, Act VIII (B.C.) of 1869 and Act III (B.C.) of 1887] i.e., whether on one or more of the grounds of higher rates prevailing in the neighbourhood or of the increased productiveness of the soil or rise in prices of produce, and the data on which the conclusions have been arrived at should be given fully.

(c) In recording the rents payable by each cultivator the land held by him should be classified and assessed according to capability, if there is any great difference between the different lands, as would appear to be the case from the wide range of rates mentioned by Mr. Ellison.

(d) The rights and status of the different raiyats should be recorded.

(e) The raiyats should be called on to sign the jamabandi in token of acceptance of the rents fixed. If they refuse or omit to do so, it will not interfere with the progress of the settlement proceedings and when reporting the case you should state whether they have signed or refused to sign the jamabandi.

(f) As at the last settlement no intermediate tenure-holder should be recognized in the settlement proceedings except the haolādars.

(g) Having ascertained and recorded the total of the rents payable by the cultivators as above directed, the settlement officer should make the settlement in the first instance with the haolādār where there is one, and should fix the rent payable by him to the settlement-holder at not more than 20 per cent below the total of the rents which have been recorded as payable to him by the cultivator in his howlah. If the aggregate rate of the cultivator amount to Rs. 100, the haoladars rent will be fixed at no less than Rs. 80.

(h) From the aggregate of the rents of the haoladars fixed as above a deduction of 25 per cent. should be made, and the remainder will be the rent or revenue for which the settlements should be made with the settlement-holders.

10. Notices of enhancement will have to be served on the haoladars under section 14 of Act VIII (B.C.) of 1869. As great precaution is necessary as to these notices, you are requested to submit for the approval of the Board the form of notices which you would propose to serve, together with your proposals as to the mode of service. You should bear in mind that in order to take effect from the

beginning of next year 1886 B. S. the enhancement notices both on raiyats and tenure-holders must be served before the end of Pous or middle of January, so that the settlement should be taken as soon as possible.

11. The persons whom you have proposed to admit to the settlements were evidently dependent or shikimi talukdars under the trespassing zamindar, and the Government recognized them as holding this status. They may be recognized as dependent talukdars on the estate which is the property of Government. The terms of settlement should be proposed when a properly made settlement is reported.

12. This order will govern *mutatis mutandis* the cases of chaks "Kālibāri" and "Bāzārghonā" reported in your letters Nos. 589 and 590, dated 30th March 1878.

13. The original enclosures of your letters are herewith returned.

APPENDIX C.

SETTLEMENT OF PATUKHĀLI.

Inquiry into the question who are to be considered the raiyats for the purposes of Settlement under Act VIII (B.C.) of 1879.

THE first settlement of Chak Patuākhāli after its resumption in 1834 was made in 1836 (1243 B. E.) and the settlement officer in his Bengali Rubakari has recorded the following conclusions. (The translation is as close as the rude Bengali of that time admits) :—

"3. The decision to be recorded regarding the rights of the *prajās* as to the reclamation of the estate is this. At the time of settlement, the head muharrir of this office considered the haoladars, who filed each man the documents relating to his haoladari rights, to be raiyats with maurāsi rights, and fixed their rate of rent at Rs. 1 as 2 sicca or Company's Re. 1-3-2 per the bigba of 115 *hāths*. Although that rates in the settlement officer's opinion is greater than the rate at which *prajās* pay rent to the Talukdars in Gerākhāli and Hāzikhāli (which are resumed estates bordering on Aurungpur pargana and are in the neighbourhood of this estate) and in this estate, yet it is clear that the rate fixed by the head muharrir is correct and fair, * * * And it is clear that the rights of chakdars and thikādars of the patitabadi mahallās in the 24 Parganas and those of the haoladars of this chak are the same. * * * And it is seen that at the time of settlement those who are the actual maurasi raiyats produced each man the documents relating to his maurasi rights before the head muharrir and the names of those whose maurasi rights were proved were recorded in the Settlement papers as possessing maurasi rights, and all those persons who are rent-payers below them, i.e. who pay rent below the haoladars who have been considered the maurasi raiyats, that all such rent-payers in all these estates have produced no abadkari or jangal burd documents and have made no complaint therefore, whatever stipulations and rules obtain between the haolādars (i.e. the maurāsi raiyats) and the rent payers below them, the Civil Court, which has jurisdiction in such matters, will take cognizance of them, if they are observed or contested. Therefore since the lower rent-payers have not produced or proved any documents, it is not necessary under the circumstances to include them in a regular (?) settlement; and it is necessary to record in this settlement rubakari the names of all who have been included in the maurasi jamābandi." * * *

2. The settlement was made accordingly. The rents of the haoladars as maurāsi raiyats were fixed, and a percentage on them granted to their superiors, the adabkari, who entered into the Settlement engagement with Government. No notice was taken of any one below the haolādars and their names were not recorded.

3. The chak was resettled in 1844, 1864, 1865, 1871-72 and again in 1877-78; but the proceedings were not approved and the present settlement—a continuation of the steps began last season—has been undertaken. In those proceedings settlement was made according to the method then followed, viz., by deciding what rents should be paid by those who held immediately under the settlement-holders, and what portion of that aggregate should be allowed to the settlement holders the remainder going as revenue to Government. No inquiry appears to have been made into the rights of the various classes of raiyats. The process as a matter of fact was the same as in the first settlement, but the similarity was accidental. Those proceedings contain no decision on the rights of the various classes and, even if they did, the decision would have no authority, as the proceedings were not confirmed.

4. At present the following classes of raiyats exist in the chak below the haoladars, viz., oat haolādars, nim haolādars and karshas. In the proceedings begun last year it was proposed to carry the assessments down to the karsha and treat all the rest as under-tenants, but almost all parties appealed against that course, each claiming to be the raiyat in the meaning of the Act. As the question would not then be satisfactorily decided, so as to admit of the settlement being completed, it was postponed till the settlement would be again undertaken this year.

5. The facts above stated show that in the first settlement the haoladars were after inquiry pronounced to be the real raiyats; nothing has since occurred to change that decision; hence they must be taken to be the raiyats for the purposes of Act VIII (B.C.) of 1879.

F. E. PARGITER,

Officiating Commissioner, Sundarbans.

BĀKERGANJ,

The 29th April 1860.

APPENDIX D.

No 678.

To Mr. Deputy Collector Ellison.

3. You are aware that the position of raiyats is claimed by a large number of persons, different classes in those estates, and it is exceedingly probable that those whose claims are disallowed will contest the matter in appeal. In order therefore that your proceedings may stand trial, it is necessary that they should be founded securely on facts. The question to be decided is simply this—what persons at any of the past settlements have been declared to be or have been treated as the raiyats?

4. In your paragraph 3 you have mixed up the raiyats and under-tenant without any regard to the terms of the new Act (VIII B.C. of 1874). There cannot be several classes of raiyats unless the term raiyats be used in a loose way. Only those who are *bona fide* cultivators are "rai-yats"; persons holding intermediately above them are "under-tenants"; but as I pointed out in my paragraph 11, if a person has been at any time treated as the raiyat, he cannot be deprived of that position although he may sublet all his lands and have converted himself into a mere middle man. In such a case the Settlement Officer has only to pronounce him to be the raiyat, and has nothing to do with any one below him.

5. I have then to request that you will carefully revise your proceedings and decide what persons are to be treated as the raiyats in the sense of the new Act. Having done that you should then determine what is a fair general rate for such persons under section 5. If as you seem to mean the *nim hāolādārs* were originally the raiyats, the general rate will have reference to them and you will have nothing to do with the *karshā* rates except in so far as they help you to determine the general rate. You should then submit the whole to me for approval, and I beg you to remember that, until the question has been decided who are to be taken as the raiyats, it is impossible to advance to the determination of the rate under section 5.

6. Your paragraphs 3 to 6 contain much information, but it is vague and confused. It would appear therefrom that the *gharmaurasi* raiyats (i.e. *hāolādārs* and *nim hāolādārs*) were the original "rai-yats," but if the *nim hāolādārs* held under the *hāolādārs*, the latter cannot be "rai-yats", but are "under-tenants," and in paragraph 19 you speak of the *nim hāolādārs* as the "rai-yats." Again in paragraph 20 you speak of enhancing the non-occupancy cultivating raiyat rates, but if the *nim hāolādārs* are to be taken as the "rai-yats," you have nothing to do with any one below them, and the list of cultivating raiyats appended to your letter is wholly unnecessary, and it would only be necessary to submit a list of the *nim hāolādārs*.

APPENDIX E.

Dated Camp Rangabali, the 26th January 1881.

From—F. E. PARCITER, Esq., Officiating Commissioner in the Sundarbans,
To—The Secretary to the Board of Revenue, Lower Provinces.

3. This and the neighbouring estates, Patuākhālī, Bāzārghonā and Marichbonia, were all resumed and settled about the same time, several of the old proceedings are almost identical. Together with the extracts properly relating to Kālībārī extracts relating to Bāzārghonā are also submitted herewith, and similar extracts for Patuākhālī and Marichbonia are enclosed with my Nos. 520 and 521, respectively of this date. I would, therefore, beg leave to remark that in deciding any one case the facts of the others seem fairly applicable.

Extract from old settlement Records of Patuākhālī.

Number of settlement nathi.	Page of settlement nathi.	Description of records.	Date.	Number of paragraph.	Extract.
2	29 30	Rubakārī of Deputy Collector, Mr Herklotts.	18th May 1837	3	The hāolādars received pattas from the talukdars and reclaimed the lands, therefore they are the maurāsi raiyats.
2	32	Report of Bholā Nath (Choudhury, Muharrir.	25th July 1836	2	The raiyats who filed documents are the maurāsi raiyats.
2	36 37 38 39 40	Rubakārī of Sundarbans Commissioner Mr. Shakespear.	29th January 1838.	3	Those subordinate to the hāolādars filed no documents claiming jungle-bari or abadkari rights, nor did they raise any objection. The hāolādars filed their title deeds proving themselves to be the maurāsi raiyats, a jamā-bandi was prepared accordingly. The hāolādars being the maurāsi raiyats, disputes regarding the rate to be paid by those under them are to be settled in the Civil Court.
2	118 119	Report of Āmin Gour Mohan Bose.	1250 B. S. ...	10	Goru Prassad and other talukdars sublet the lands to hāolādārs, who at their own expense reclaimed the land, they are therefore the maurāsi raiyats.

APPENDIX F.

No. 393, dated Alipore, 1st November 1880.

From—JAMES ELLISON, Esq., Deputy Collector in charge of Sundarbans Commissioner's office,
To—The Secretary to the Board of Revenue, Lower Provinces.

* * * * *

3. There is abundant proof in the records to show that the ancestors of these men never reclaimed the lands which they now occupy. In fact after resumption when the estate came under settlement, the ancestors of these men, if they were then on the property, kept aloof, passive and unconcerned, submitting no claim, no title to lands, if any, held by them: on the contrary the papers are perfectly explicit that the lands were reclaimed and tenanted either by the hāolādars themselves or through their agency, that is, with their capital and the appellants were the raiyats of haoladars and any disputes between them regarding land or the rent of land was cognizable not by the Settlement Officer but by the Civil Court. For these reasons the haoladars under the requirements of Act VIII (B.C.) of 1879, were formally declared to be the raiyats of chuk Kālibāri.

* * * * *

5. The fact is these men are the ring-leaders of a combination which originated in 1878-79 who with profit to themselves and at the expense of the poorer raiyats are doing their best to obtain rights which they neither possess nor have a right to demand. These men are the last of the numerous grades of sub-raiyats in the estate, they seem to be merely tenants-at-will possessing not even a right of occupancy to the lands they cultivate. Settlement proceedings were open and public and the petitioners could not but have been aware that the jamabandi prepared and published in no way concerned them, yet they untruthfully assert that the inspection of the jamabandis even on the payment of proper fees was denied them. They also urge that the rates of rent fixed at the recent settlement are excessive, when actually speaking only one rate was fixed, not theirs but that of the hāolādars.

6. The object of these men is evidently to extract an order limiting the rate of rent to be paid by themselves and as an inducement charge with the general oppression the settlement haoladars who occupy the position of dependent talukdar and not that of a farmer. I do not think that the talukdars are more oppressive (if oppression there be) than their neighbours. The fact is from excess of population, competition for land is very great in these parts and any act limiting the rate of these now general cultivators will turn them into rent-receivers. When these men have come all the way from Bākerganj to submit an appeal to the Board, it is not likely that they would submit to exactions, especially when the subdivisional station of Patuākhāli is only a morning's walk from the estate and justice available almost at their threshold. Further oppression, if any, can be avoided; a little south lands (chaks Dhaluā and Barguna) just as good and only requiring reclamation are obtainable and this fact has been made known to them by me.

APPENDIX G.

Read a letter No. 520, dated 26th January 1881 from the Commissioner of Sundarbans, submitting his report on the petition of Janoo Talukdar and other ryots of Chak Patuākhāli in the Bākerganj Sundarbans praying that their names be recorded in the settlement jamabandi and that the settlement-holder be precluded from enhancing their rents.

The petitioners pray to have all their rents and holdings detailed on the record. Their petition was not however presented till some time after the settlement proceedings had been submitted to and sanctioned by the Board. These proceedings cannot now be re-opened.

2. As things stand, the petitioners are not liable to have the rents, which they have hitherto actually been paying, enhanced otherwise than in due course of law or by consent. The recording of their holdings and actual rent in the settlement proceedings would give them no further protection than this.

IV.

In the matter of the proposal to revise the records of the Government estate Marichbonia in the district of Bākerganj.

ORDER (OF THE BOARD OF REVENUE, MR. H. SAVAGE, DATED 9TH APRIL 1909.)

THIS case was taken up at Barisal on 7th instant and was discussed on that day and on 8th in the presence of the Director of Land Records, of the pleaders for the talukdars and haoladars and of a number of raiyats of the estate. Various proposals were made and considered and eventually it was agreed that the records should be retained as framed as far as the question of status of the various tenants is concerned, that the rents of the raiyats with occupancy rights should be retained as at present, that the haolas should be assessed at a bigha rate to be ascertained in the case of each haola by a reduction of 35 per cent. from the average raiyati rent under the haola, this allowance to be divided among the haoladar and the subordinate haolas, if any, in such proportion as may in each case appear equitable, that the osat taluk should be treated as a haola and that the talukdar should get an allowance of 25 per cent. on the haola rents. The above on condition that the talukdars and subordinate tenure-holders should execute kabuliats containing the form of agreement hereto annexed.

The term of settlement to be 15 years with the right of renewal for a further term of 15 years, provided the terms of the *kabuliats* be carried out. The rents at present payable by the *raiya*t are somewhat high in comparison with rents in the neighbourhood, but they cannot be said to be inequitable as they represent in all cases less than one-fifth of the produce, and in most cases much less. The *raiya*t have been paying these rents for a number of years and in fact do not complain about them. Their complaint is that *abwabs* are levied, and they ask for *khas* management by Government. The law does not permit of their prayer being granted. They must remain as tenants under the tenure-holders whose rights are admitted by Government; but by the proposed arrangement it is hoped to put a stop to the levy of *abwabs* and to secure fixity of rent for the term of 30 years. The *raiya*t also get a clear acknowledgment of their occupancy rights as to which there have up to now been doubts.

The tenure-holders will get a liberal allowance amounting to 50 per cent. of the *raiya*t's rents, while Government will get a fair increase in revenue. The Director of Land Records will come up with proposals on the above lines.

Final publication has not yet been made and the proposal to revise the record was therefore premature, and is hereby struck off.

V.

Letter No. 789—800T., dated Jalpaiguri, the 17th April 1909.

From—N. D. BEATSON BELL, Esq., C.L.E., I.C.S., Director, Department of Land Records, Eastern Bengal and Assam,

To—The Secretary to the Board of Revenue, Eastern Bengal and Assam.

2. I now propose that the re-settlement of land revenue in Marichbonia should be made on the following principles:—

- (a) The status of *raiya*t shall be accorded to the cultivator (*karshādār*) and not to the *haoladar* or derivative *haoladar*.
- (b) The existing rents of *raiya*t, as defined above, shall (except in cases where they have been fixed by an illegal contract) be maintained and shall be recorded as fair rents under section 104 of the Bengal Tenancy Act.
- (c) The *hāolādār*s shall pay rent calculated on a basis of area, not on a basis of profits.
- (d) The rent of each *haoladar* shall be 35 per cent. lower than the standard *raiya*tware rate of that *hāolā*.
- (e) The rent of the *talukdar* shall be 75 per cent. of the rent payable by the *hāolādār*s.
- (f) As the *osat* taluk and the derivative *hāolās* are not binding against Government, the existence of such tenures shall not affect either the Government revenue or the rent payable by *raiya*t. The rent payable by the *osat* *talukdar*s shall be intermediate between the rent payable by the *talukdar* and the rent payable by the *hāolādār*s concerned and the rent payable by each derivative *haoladar* shall be intermediate between the rent payable by the *raiya*t concerned. These intermediate rents shall be arranged by private agreement.
- (g) Where a *raiya*t holding (*karshā*) as defined in clause (a) has been purchased by superior landlords the principles of section 22 of the Bengal Tenancy Act shall be applied.
- (h) No *hāolā* or derivative *hāolā* which has been entered in the draft record shall now be struck out on the ground that the owner of such tenure is identical with the owner of the superior tenure. The legal question of the merger of tenures shall stand over without prejudice to any party.
- (i) In return for the concessions mentioned above the *talukdar* and the *hāolādār*s shall execute agreements in the form annexed.

3. The principles of settlement set forth in the last paragraph were arranged at a recent conference in Barisal, at which the Hon'ble Mr. Savage presided. The representatives of the *talukdar* and the *haoladars* of Marichbonia accepted these principles and consented to sign these agreements. The effect of the proposals is that the new Government revenue will be about 49 per cent. of the *raiya*tware assets of the estate, i.e., three-fourths of 65 per cent. There will be a substantial increase of revenue amounting to something between 30 and 40 per cent. of the previous demand. The exact figure will be calculated in due course.

4. The Board will observe that the system which will be adopted in Marichbonia is practically the "system of April 1908" to which I referred in paragraph 33 of my printed inspection note of August 1908. The difference is that the *hāolādār*i rate is 35 per cent., instead of 30 per cent., lower than the *raiya*tware rate and that in return the *talukdar*s and *haoladars* execute agreements in the form annexed to this letter. I now propose that in all the estate of the same group there should be a similar decrease in the *haoladār*i rate

conditional on the execution of agreements in a similar form. The remaining estates of the group are as follows :—

	Tauzi No.		Tauzi No.
Baro Baisdiā	... 4607	Pakhyā	... 4694
Chota Baisdiā	... 4828	Bhāyang-Kakrāboniā	... 4764
Rāngābali	... 4539	Hājikhāli	4562-64 & 4506-09
Bāzārghonā	... 4643	Gerākhāli	... 4560
Patuākhāli	... 4645	Kalibāri	... 4644
Chālitāboniā	... 4690		

Form of agreement.

Whereas a settlement of land revenue is being made under Chapter X of the Bengal Tenancy Act in Estate Marichbonia, Tauzi No. 4552, within the district of Bakarganj. And whereas I have been recorded as the possessor of the following tenancy, namely :—

Name of village.	Serial number of tenancy.	Description of tenancy.	Area in acres.	Area in bighas of 1,600 sq. yds.
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I hereby agree to pay Rs. _____ as annual rent for the said tenancy calculated at the rate of _____ per bigha of 1,600 sq. yds., an area of _____ bighas having been left out of assessment. The said rent shall be payable for 15 years with effect from 1909-10, and in the following instalments, namely, one-fourth in the month of October and three-fourths in the month of February. The conditions of my tenancy are as follows :—

- (1) My right is that of a tenure-holder as defined in the Bengal Tenancy Act and the rent payable in respect of the said tenure is liable to revision from time to time in accordance with the provisions of the said Act. Subject to such revision of rent and to the conditions of the agreement, my right is permanent, heritable and transferable.
- (2) I acknowledge and shall respect the rights of all other tenants of this estate as recorded in the record-of-rights which has now been prepared under Chapter X of the Bengal Tenancy Act.
- (3) During the aforesaid period of 15 years I shall not increase or attempt to increase the rent payable by any tenant subordinate to me whose tenancy or the tenancy of whose predecessor-in-title has been entered in the present record-of-rights : I shall only realise the rent which has been entered in that record as payable by that tenant or by his predecessor in title.
- (4) For every payment of rent by a tenant subordinate to me I shall forthwith give a written receipt as required by section 56 of the Bengal Tenancy Act.
- (5) Along with the rent payable by me I shall pay cess according to the law for the time being in force ; and from the tenants subordinate to me I shall realize cess only according to such law and not in excess of the legal demand.
- (6) I shall not realise or attempt to realise any abwab or illegal cess from any tenant subordinate to me.
- (7) If it be found to the satisfaction of the Board of Revenue that during the period of 15 years ending on 31st March 1924 I have broken any of the conditions of this agreement, then on the expiry of the said 15 years a fresh settlement may be made with me at such rents, for such period on such conditions as the Board of Revenue may determine.
- (8) If it be proved to the satisfaction of the Board of Revenue that during the period of 15 years ending on 31st March 1924, I have paid my rent duly and regularly and have fully complied with all the conditions of this agreement, I shall be entitled to a renewal of this settlement on the same rent and on the same conditions for a further period of 15 years ; and during the said further period of 15 years I shall realise from the tenants subordinate to me only the rents which have been entered in the present record-of-rights in respect of such tenants or their predecessor in the title. Provided that if at any time during the second period of 15 years the Board of Revenue be satisfied that I have broken any of the conditions of the renewed agreement, a fresh settlement may forthwith be made with me at such rent, for such period and on such conditions as the Board of Revenue may determine.
- (9) If any under-tenure comprised within my tenure be brought under resettlement by the Board of Revenue before my own tenure be brought under resettlement the rent payable in respect of my tenure for the remaining period of my settlement shall be liable to revision consequent on any change which may be made in the rent payable in respect of such under-tenure : provided that the nett profit to be enjoyed by me shall remain unchanged unless and until my tenure be brought under resettlement.
- (10) Notwithstanding anything contained in clause (7) or clause (8) of this agreement I shall be liable to be ejected from my tenure by a suit in a competent Civil Court on the ground that I have broken any of the conditions of this agreement.

VI.

No. 268 S. & S.-G., dated the 24th May 1909.

From—The Secretary to the Board of Revenue, Eastern Bengal and Assam,
To—The Director of Land Records, Eastern Bengal and Assam.

I AM directed to acknowledge the receipt of your letter No. 789-800 T., dated the 17th April 1909, on the subject of the final confirmation of the land revenue of estate No. 4552 Marichbonia in the district of Bakarganj and in reply to say that the Board are pleased to approve the proposals contained in your letter under reply with regard to the principles to be followed in the settlement of the estate named above, and also of the other estates named therein which are similarly situated, subject to the condition that the talukdars and hāolādars thereof execute agreements in the form annexed to your letter under reply.

VII.

Dated the 1st October 1909.

From—J. C. JACK, Esq., I.C.S., Settlement Officer of Bakarganj,
To—The Director of Land Records, Eastern Bengal and Assam.

I HAVE the honour to refer again for your orders the resettlement of the Marichbonia group of estates in this district.

The final proposals for the estate Marichbonia were sent up for sanction on the 20th of January 1909, together with a memorandum dated 19th January 1909 in which I pointed out that there were certain difficulties in carrying out the settlement, which had not been adequately met.

As a result of this reference, the Hon'ble Member, Mr. Savage, and the Director of Land Records, Mr. Beatson-Bell, met the talukdar and the haoladars of Marichbonia in conference, and certain principles were arranged which were recapitulated in the Director of Land Records' letter No. 789—800 T., dated the 17th April 1909, to the address of the Secretary to the Board of Revenue.

This letter was a proposal in regard to the terms upon which the Marichbonia estate would be settled and a further proposal in regard to the other estates of the Marichbonia group.

In accord with these proposals, fresh bujharat was made of the records of these estates. During the course of that bujharat the cultivating tenants manifested the very strongest repugnance to the principles agreed upon between their landlords and the authorities, in which they themselves had not been consulted, and they repeatedly petitioned both in single spies and in battalions that the estate should be taken under khas management. The information which they supplied was of so startling a nature that I feel I have no alternative, but to refer the case once again for the orders of the Board of Revenue.

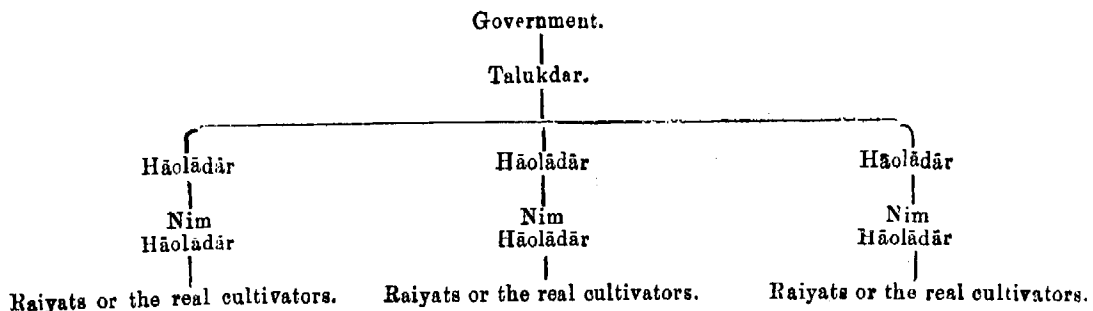
Before entering into detail, I would invite a reference to my note, dated 19th January 1909, which explains the difficulties of the case. It will be seen that owing to Mr. Pargiter's formal proceeding in 1879, Government was bound to treat certain tenants in each estate as raiyats, who were in fact tenure-holders. As a result the cultivators became under-raiyats. The Barisal conference under the presidency of Mr. Savage was an attempt to secure for the cultivators the protection afforded by the Bengal Tenancy Act to raiyats. The talukdar of Marichbonia accepted the terms of that conference which may be described as a high rate of allowance on condition that the so-called raiyats will accept their real status as tenure-holders and will give their under-tenants their real status of raiyat, and further will give an agreement stating in categorical terms that they will not enhance rents, take abwabs or refuse dakhilas for the term of 15 years.

The Director of Land Records informed me that if the so-called raiyats refused these terms in Marichbonia or any other estate, the alternative, which is not mentioned in this letter, is a return to the "system of April 1908." But the terms of the alternative are practically as good as the terms of the conference. The talukdar gets 25 per cent. or the same allowance, the haoladars 30 per cent. in place of 35, while there are no embarrassing conditions. It is not therefore at all likely that any talukdar or haoladar who has not already committed himself will accept the terms. If he do not, the alternative solves nothing, but brings us once more face to face with the difficulties mentioned in my note of the 19th January.

The raiyats, who were not parties to the conference or represented thereat, are bitterly opposed to its results. I deal later with the history of their oppression for the last 40 years; but I wish to deal now with the agreement as it affects the raiyats.

In the first place, I would point out that although the haoladar is a raiyat by virtue of the formal proceeding and his under-tenant therefore an under-raiyat, yet wherever there is a contract between the two (considerably more than half the total), the under-raiyat is described as a raiyat and is formally granted occupancy rights. The landlord cannot go beyond the terms of the contract and the under-raiyat is to that extent protected.

In the second place, I would point out that agreement itself is inoperative. To explain this a diagram will be useful:—



Here the lessee of Government is the talukdar, who has divided his lease into several lots, which he has granted to haoladars. The talukdar and these haoladars are the parties

to sign the agreement by which they undertake to accept the status of tenure-holders for themselves and of raiyat for the cultivators, while agreeing not to oppress the cultivator.

But the haoladār has usually sublet to a further grade of middlemen, the nim-haoladar, and he may again have sublet in his turn. Under clause (f) of the principles Government does not recognise as binding upon itself these sub-leases and takes no agreement from the sub-lessees. Yet the talukdar has no direct connection with the raiyats and the haoladar very rarely. The relationship of landlord and tenant is constituted usually between the haoladar's sub-lessees and the cultivators. Therefore what effect can any agreement have upon the position of the raiyat, which is entered into by talukdar and haoladar? What value is a declaration by them that they will neither enhance rents, take abwabs nor refuse rent-receipts, when they rarely or never deal in their capacity of haoladar or talukdar with the raiyats? Moreover how can Government enforce any agreement made by a haoladar? He is a tenant of the talukdar and Government has no *locus standi*. Clause 19 becomes inoperative at once. Government has no right to sue the haoladār and, even if it had, he has usually no connexion with the raiyat.

The agreement therefore in my opinion gives no possible legal protection to the raiyat. It may be said that clause 7 will enable the Board of Revenue after 15 years to punish oppression of the raiyats by renewing the lease on harsher terms. But if oppression continues it will be the oppression of the nim-haoladārs and how can talukdars and haoladārs be held responsible therefor, while in the meantime the estates cannot be touched for 15 years, whatever the oppression?

It is true that in a very large number of cases, the talukdar, haoladar and nim-haoladar are one and the same person; but in law any agreement executed by a man in the capacity of talukdar does not affect his dealings in the capacity of nim-haoladār at all. Clause (h) in the agreement is conclusive on this point. The legal question of merger of tenures still stands over.

All this goes to show that the raiyats are justified in the apprehension that the agreement will not protect them at all. They have complained bitterly of oppression for the last 40 years; at the last settlement in 1881 they asked that the estate should be held khas or that the talukdars and haoladārs should be restrained from oppressing them, but their prayers were unavailing; they have repeatedly petitioned the Collector against the oppression of their landlords, but he had no power of interference; they have repeatedly urged that the estates should be held khas both to the Collector and to us. They are now almost desperate. After the failure of their combination against their landlords at the last settlement in 1881 there followed a welter of revenge. Fines, prosecutions and evictions were the order of the day, 165 raiyats out of 1,288 were forcibly evicted, as many more abandoned their holdings in a panic. Those who stayed had to suffer an enhancement of rent of great severity. It is hardly a matter of wonder if the tenants now recall this ancient history and are in a state of abject fear as to what will befall them when the present settlement is concluded. Nor are the landlords behindhand in reminders. The air is full of threats of what is to come, when the settlement authorities have gone. The agreement has not even kept them quiet until the conclusion of the settlement. The very talukdar of Marichbonia who accepted the agreement at the conference instituted a false criminal case against the leader of the raiyats before the ink was dry. The judgment of the Magistrate in this case is appended to this note in proof of the assertion. Moreover false rent suits have been filed after the conference, extortionate marriage fees collected and forced labour exacted even when our officers were in the villages. The talukdars have already made it evident that they regard the execution of any such agreement as a mere form.

The history of the last 40 years more than justifies the apprehensions of the raiyats. I give merely the briefest summary of the evidence which has been collected under the supervision of Mr. Ascoli, I.C.S., by an experienced Assistant Settlement Officer with selected kanungos working under them, but I invite attention to Mr. Ascoli's note and particularly to the notes of the kanungos giving details in each estate. The notes of Maulvis Mahammad Mohiuddin, Minnatāli and Sheikh Abdullah will I hope be read, as I cannot think that any summary of the evidence will leave the same impression upon the mind. I would especially point out that every statement in these reports is backed up by documentary evidence, by rent receipts or other receipts given by the landlords, by their own collection books or by parwanahs issued by them. It is therefore incontrovertible and the whole makes up a tale of astounding oppression carried on within five miles of the subdivisions headquarters and it will be noticed not in a private property permanently settled but in a Government estate. Government has been unable to protect its own raiyats from its own lessee; indeed previously it has made no attempt.

The lessees in question are mostly the Roy family living at Kalaskāti in another subdivision of this district. Of the estates under reference in which I do not at present include Bara Baisdiā, Chota Baisdiā and Rāngabāli, five of the largest belong to Bisweswar Roy, the chief member of that family and three more to Durgā Prosonno Roy, another member. One belongs to Upendra Nath Sen, a landlord who bears an evil reputation as landlord in other parts of the district, another belongs to Mr. Brown and some Bengali co-sharers, the remainder are petty estates belonging to four different lessees who are smaller men. All are alike in their oppression. Indeed the estates form a compact geographical block without any distinguishing features. The Kalaskāti family are however

the great offenders and the smaller lessees simply imitate them to the best of their ability.

For each estate there is a separate note. These notes group under various heads the sufferings of the raiyats, who number some 10,000 men, women and children in the whole area. They show that illegal evictions occur on a wholesale scale without reference to the Civil Courts, they show that heavy enhancements were the rule after the last settlement and occur repeatedly since, they show that abwabs in addition are taken which amount to between 50 and 75 per cent. of the rent, they show that criminal prosecutions and false rent suits are weapons in continuous use, they show that heavy marriage fees and subscriptions are extorted and they show that great fines are exacted for the most trivial offences. They show further that this has been going on for more than 30 years, that after the last settlement a terrible vengeance was wreaked by the lessees on the tenants who had dared to pray Government for redress and that for some years the estates became practically a desert.

Mr. Ascoli's note deals more fully with the several items of this count, and once again I would refer to the exhaustive notes of the kanungos for each estate which give the evidence in detail. Here I will only summarise the roll of evictions and deal with some cases of fines and subscriptions.

The following summary deals with the forcible evictions in the estates, which took part in the combinations against the landlords at the last settlement. The evictions were carried out by flooding the villages with *latias*:—

Estate.	Total number of holdings.	Forcible evictions immediately after the last settlement.	Subsequent evictions.	Total.
Marichbonia	407	49	63	112
Pakshya	90	20	16	36
Patukhali	226	30	10	40
Kalibari	148	45	25	70
Bazarghona	238	48	12	60
Total	1,109	192	126	318

In addition the present raiyats were introduced into many more holdings, which had been once cultivated but were then deserted. The previous raiyats had fled. There are more than 30 such cases in Bazarghona and a larger number in Patukhali and Kalibari.

In the villages which did not join the combination, there were no "revenge" evictions but the Hazikhali estates still show a total of 23 subsequent evictions in 173 holdings and the Gerakhali estates 12 in 55 holdings.

For Bhayang Kakraboni no statistics were obtained; but as in all other respects the lessees are as bad and as extortionate, there is no reason to suppose that in this respect the roll would be any less emphatic.

Chandas are subscriptions collected by a landlord from all his tenants on some memorable occasion. In these estates they are taken on the flimsiest pretexts and with a painful frequency. As an example I will give the instance in Bazarghona of the *chanda* levied by Bisweswar Roy:—

Rate.	Occasion.
(1) In 1305, 6 annas per rupee of rent.	Sradh ceremony of Bisweswar's father.
(2) In 1308, Rs. 4 to Rs. 6 for each holding.	Death of Anukul Chatterjea, a relative of Bisweswar.
(3) In 1309-10 4 annas per rupee of rent.	Marriage of Bisweswar's daughter. This <i>chanda</i> was levied more than a year before the marriage took place in order to avoid the discredit of being helped by his tenants in his daughter's marriage.
(4) In 1310-11, Rs. 2 to Rs. 10 for each holding.	Death of a member of the family of Sarat Rudra landlord's amla.
(5) In 1312, Rs. 4 to Rs. 6 for each holding.	Death of grandmother of Ananda Charan Ganguli, naib of Bisweswar.
(6) In 1313, Rs. 2 to Rs. 3 for each holding.	Marriage of daughter of Har Kumar Banerji, landlord's amla.
(7) In 1315, Re. 1 to Rs. 5 for each holding.	Death of Behari, Mukherji, cousin of Bisweswar.

The landlords and their amlas hold regular courts for the trial of civil and criminal disputes and social offences. This of course is the practice of most landlords and a practice certainly not to be condemned wholesale. It may be advantageous to the tenants and no doubt relieves the King's Courts of much petty work. But it is clearly a practice open to abuse, at once in the severity of fines inflicted, in the decision of the cases and in the occasion of the infliction. The following are a few instances collected from the reports to show how the landlord's "justice" has operated in these estates:—

BĀZĀRGHONĀ.

- Upendra Nath Sen.*—(1) In 1305 B.S. Āmiruddi Chaukidār was taken to Bāsandā and fined Rs. 500, as he was not on good terms with his landlord and beat the Mridhā who went to arrest him.
- (2) In 1313 Baisākh Asaruddi, son of Aban, was fined Rs. 30 as his wife did not allow the landlord's peon to take away some milk as *yogan* (annual gift in kind to the landlord).
- Biswaswar Roy.*—(3) About 6 or 7 years ago Nāderālī Chaukidār was fined Rs. 100 on the charge of murdering his brother's widow who became pregnant in her widowhood.
- (4) In Magh 1314 Moniruddi, son of Kokāi, was fined Rs. 100 because he refused to give his widowed sister in marriage to Shāhzān Sirdar.
- (5) Four years ago the Munshis of Bāzārghonā and Patukhālī had a religious discussion. Yaruddīn, Tazumuddi and Basaruddi were fined Rs. 7 each for not assisting the Bāzārghonā Maulvi in the discussion.
- (6) Five or six years ago the tenants asked for the removal of the cutcherry to Jhinai-berīā. The Superintendent of the Estate came down to enquire and when in the yard of the Kālībārī cutchery, a thorn pricked the Naib's foot. The Superintendent fined Goribulla and Somiruddi Rs. 125 each for not clearing the yard before bringing him there. They were poor and were excommunicated for three years until they paid up the fine.

GERĀKHĀLĪ.

- (7) Last year Abdul Jabbar was fined Rs. 60 for quarrelling with Ratan Khān.

KĀLĪBĀRĪ.

- (8) Fifteen years ago 4 men were fined Rs. 88 for refusing to dine with Korimuddi on the same *mīlīs* owing to a previous quarrel.
- (9) In 1307, Daulat Gāzi brought a criminal case against Felu and was fined Rs. 25 for going to the Criminal Courts instead of the landlord's Courts.
- (10) In 1311 Jaharuddi was fined Rs. 150 for refusing *begār* (forced labour) and insulting the peon who brought the parwana. As he was unable to pay the fine, he was expelled from the village.
- (11) In 1304, Hāssonuddīn was fined Rs. 100 for failing to get the landlord's permission to his marriage. He could not pay up the fine, and 12 bighas of his land were made khas.

This is a small number of instances out of the examples given in the kanungo's notes. I give the most instructive example at some length. About ten years ago no rent-receipt was given for the Bhadra kist. Some of the raiyats of Kālībārī combined together and refused rent, unless they got rents receipts. One of them Solim was carried to the cutcherry, beaten severely and forced to pay up his rent on the spot. For this Iaruddi and others beat the peon, who had apprehended Solim. They were tried by Biswaswar Roy in person at the landlord's cutchery in Patuākhālī and fined as follows:—Iaruddi Rs. 43, Kushāi Rs. 28, Soberālī Rs. 12, Soliman Rs. 28, Salim Rs. 18, Kormān Rs. 50, Sodai Ghorami Rs. 18, Gopal Akan Rs. 28, Someruddi Mridha Rs. 18. This trial took place within 100 yards of the Subdivisional office and within 50 of the thana.

The raiyats also complain of the landlord's social interference. They are all Muhammadans and he is a bigoted Hindu. He sells the appointment of Mollas and refuses to allow outsiders to officiate at marriages, he arranges and forbids marriages, he refuses to permit inheritance according to the Muhammadan law and he forcibly insists on *nika* marriage. In addition they complain of *begār* or forced labour, which as our notes show is very prevalent, and of *yogan* or the annual gifts in kind to the landlord. The penalty for refusal to pay *chāndās*, marriage fines or to give *begār* or *yogan* is social ex-communication, which the landlord sees enforced. There are at present tenants in the estates living miserably under this social interdict. Abwabs are collected by crediting amounts paid as rent first to abwabs and by suing for the whole rent, if any of the abwabs or rent is in arrear.

It is painful to think that so complete an oppression outside the law can exist in a British district. The proof is incontrovertible; and this area is not merely in a British district but within 5 miles of a head-quarters town and in a Government estate, which in theory should be managed as a model to all other zamindars.

I hope you will agree that I have made out a case for reconsideration of the policy to be pursued. I have shown that ten thousand cultivators are living under great oppression and that the previous proposals are powerless to remedy their lot in the future or to protect them. I have shown that the only lessee who agreed to those proposals broke its terms flagrantly and repeatedly within 3 months of its conclusion. I have shown that the raiyats were no party to that agreement or those proposals, that they consider they have been betrayed and look forward to the future with eyes of fear.

I may perhaps be allowed to say that in the above circumstances it would be extremely distasteful to me to carry out the settlement on the previous proposals. In my opinion they constitute a betrayal of the raiyats and the case has now gone so far that we are bound in honour to protect the tenants from a vengeance such as was wreaked upon their predecessors after the last settlement. In the circumstances there is one course only I think open to us, and that is the course passionately desired by the raiyats themselves. They wish that the estate should be taken under khas management. This can be done for 12 years under the Regulation VII of 1822 by which the revenue of these taluks will be settled. I quote the section 3.

"Provided further that in any case it shall appear to the Revenue authorities that the continuance or admission of any raja, zamindar, talukdar or other person who may have engaged or may claim to engage for any mahal or mahals in or to the management of such mahal or mahals would endanger the public tranquillity or otherwise be seriously detrimental, it shall be their duty to report the circumstances to Government, and it shall be competent to the Governor General in Council by an order in Council to cause such mahal or mahals to be held khas or let in farm for such term as may appear expedient and proper not exceeding the period above specified i.e., 12 years."

It is understood that all the powers under this Regulation have been delegated to the Local Government or the Board of Revenue.

I do not propose this is any spirit of retaliation on the landlords, but as the only possible effective measure of protection for the raiyats. I may add that in these 3 months there have been several criminal cases and it is clear that any lease to the talukdars would most certainly endanger the public tranquillity.

I propose further that in order to show that no consideration of profit to Government entered into their calculations, the talukdari allowance at the existing rate should be continued to the talukdars during the 12 years less the costs of collections. This should be continued as a matter of favour and revocable at once, if any trouble was created by the talukdars after the temporary resumption.

As regards the haoladars or so-called "maurasi raiyats" I would treat them as raiyats the status which neither they nor the Government can challenge, and apply section 22 of the Bengal Tenancy Act. By this means 405 out of 775 tenures and undertenures will certainly and another 100 probably be entirely got rid of. The remainder are very largely held by men for cultivation and with such pure middlemen as remained terms could easily be arranged by which they would consent to be treated as tenure-holders. As section 48 would apply to their raiyats ("under-raiyats"), they would soon find it convenient to accept the status of tenure-holder, which in fact except for this single purpose they always claim. This proposal would not apply to Bhayang Kākraṇonā, where the haoladars were never recognized as "maurasi raiyats". Here the question of the merger of tenures, which I have separately referred, comes up, but this estate will cause no difficulty after the case of the others has been determined.

In making these proposals I would like to make clear that they are the only proposals by which the raiyats can be protected, while I am well aware that no difficulty would arise in carrying them out. The old proposals appear to me dishonourable in themselves, if I may be permitted so harsh a term in the light of the later information collected, while they decide none of the questions at issue, leave Government in the same impossible legal position and leave each estate with a layer of intermediary rights, all possessed by the same person, between Government and the raiyats and thus make it impossible for any officer in the future to obtain a lucid comprehension of the estate.

Finally I would make a strong appeal that the Hon'ble Member of the Board of Revenue before disposing of the case should come down himself to the villages concerned and hear the raiyats.

I have sent this case up with a box full of original document and reports, which Mr. Ascoli will be able to explain. He knows the facts and, if any reference be necessary, he will be at hand to give the information.

VIII.

Report of Mr. F. D. Ascoli, I.C.S., dated 16th September 1909.

I SUBMIT herewith the results of the enquiry held during July and August last into the following reclaimed Government estates in the Sundarbans.

Tauzi No.		Tauzi No.	
Marichbonia ...	... 4552	Patuakhali ...	... 4645
Chalitāboniā ...	... 4690	Bāzārghonā ...	... 4643
Pakshya ...	... 4694	Hāzikhālī ...	... 4563-4 4566-9
Kālibāri ...	... 4644	Bhyang Kākraṇonā ...	... 4764
Gerākhālī ...	... 4559-4560		

The enquiry was conducted by M. Nuruddin Ahamad, Assistant Settlement Officer, and a squad of specially selected kanungos; a fresh bujharat was made of each estate, and at the same time enquiries were instituted regarding the conduct of the landlord towards their tenants. The result of these enquiries is a bulky mass of evidence, which has been so prepared, as to render easy the task of understanding the conditions prevalent in each separate estate. In no case have the kanungos been permitted to indulge in general observations, and a mass of oral and documentary evidence, including original collection papers and autograph letters and parwanahs of the landlords, has been submitted, which proves incontestably the miserable state of affairs prevalent and justifies the numerous petitions of the tenants and the suspicions of the local authorities. The evidence collected has been arranged and submitted in the following form:—

A. BUJHARAT NOTES.

i. Tenures.

Name and khabat.	When created, by whom.	Present holder.	Name, etc. of landlord.	If possessed by landlord, when, and how he acquired.	Is it mergeable as tenure or holding.	Entry in jamabandi, if any.
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with tenure tree attached.

ii. Holdings.

Karshadār, name and khatian No.	Present rent.	Previous rent.	Date of enhancement, etc.	Length of occupancy.	Previous occupant why evicted.	Does kabuliyat give right of occupancy.	Special conditions of kabulist.
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B. GENERAL NOTE on the condition of the estate, showing specific instances of zulum, abwabs, etc.

C. DOCUMENTARY EVIDENCE in support of B, including collection papers, kabuliats, parwanahs, dakhilās, etc.

D. A FEW NOTES ON BENĀMI, etc.

The reports are so complete in themselves that it only remains for me to state a few facts and inferences which may be drawn generally from the enquiry and to bring to notice any particular instances of oppression estate by estate with references to the documentary evidence attached.

I would state in the first instance that the bujharat notes on tenures (A i.) hardly afford the amount of information which one could desire; throughout the enquiry the different landlords adopted a hostile attitude, and it was only with great difficulty that any trustworthy information could be extracted from them; it has accordingly been impossible to discover in many cases the date of the creation and the names of the creators of the various tenures. In the estates of Bisheswar Babu, however, will be found a series of undertenures at present standing in his own name, but originally created in the name of his naibs, pendas, or mridhas; in such cases the creation is obviously fictitious. They will be dealt with under the estates in question in more detail. Where these *benāmi* transactions are shown, it is not necessary to adopt the method of merger, as the fictitiousness of the creations renders them invalid. At the same time it has been thought advisable to show whether these tenures would merge under section 22 of the Bengal Tenancy Act, if the superior landlords are treated as *maurasi rayiats*, the status demanded and accorded to them in all previous settlements.

The only estate in which the question of *maurasi rayiats* is not raised is Bhayng Kākrāboniā. A separate problem however arises here, a series of entures under three generations of the same family. Messrs. E. S., R. G. and J. S. Brown; in these cases the new tenures have clearly been created without due consideration with the object of safeguarding the interests of the family.

As regards the question of "*maurasi rayats*," it must be admitted, that in every instance, where a kabuliat has been produced, the tenant has been treated as a karshadar, except in instances where the landlord has purchased the rayiati interest, where the cultivator is termed "*pol-karshadar*." I would add that few kabuliyats have been produced, especially in Bisheswar Babu's estates, and among those produced there are so many illegalities, e.g., the refusal to grant rights of occupancy, exaction of abwabs, etc., that the documents are of little value, except as a proof of the scandalous oppression of the landlords and the inability of Government to enforce the terms of the Tenancy Act, whatever be the terms of the engagement entered into, even in its own estates; section 74 and section 178 of the Act, it appears impossible to enforce. It is true that in the proposed new form of engagement, the landlord agrees not to infringe these sections, but a description of the reign of terror which followed the previous settlements of 1287 will show what can be expected during the ensuing 15 years, during which Government practically binds itself to trust the welfare of the tenants to the landlords; the right to eject by a civil court decree is a right which might have been applied during the last 20 years, and there is little likelihood of its being exercised in the future, if one takes into account the difficulties of proof in such a suit.

Where a landlord has acquired a rayiati interest, the fact has been entered in the "*bujharat*" notes and the provisions of section 22, Bengal Tenancy Act, may be applied.

The main discoveries of the enquiry consist in irrefutable proofs that throughout each of these estates a systematic reign of extortion and oppression has existed, and exist at the present moment to such a degree as to render essential some drastic measure on the part of Government in the interests of the cultivator. Details of the oppression with documentary evidence under the landlords own signatures and in their collection papers will be found in each mouza note, fines to the extent of Rs. 150 - 200, nazar of Rs. 43 in Hāzikhālī, in very many cases abwabs totalling 75 per cent. of the rent paid, extortionate interest to the extent of 60 per cent. on arrears of rent, abwabs such as tahuri, chāndā, rosham, bhat, nazar salāmi, sādiānā, bhāndāri, etc., etc., Confiscation of property, the holding of court, social excommunication, interference with the marriage tie, merciless evictions without recourse to the court, excess realization of rent, refusal to grant dakhilās— all are proved by the landlords' own written orders; while in Bisheswar Babu's estates especially, "*begār*" is exacted from the tenantry under pain of fines and excommunication.

It may be objected that under the new proposed form of agreement, this oppressive regime will be transformed, and that the tenants will at last gain their rights. Before giving definite grounds that such is not likely to be the case, I would merely remark that Government has always possessed the powers specifically mentioned in the new agreement, and I do not see how the new agreement is likely to transform the power into action. More definite proof however is available from the present actions of the landlords and a comparison with the state of affairs at the time of the previous settlement will not prove an unfair analogy. I deal with the former proof first.

Early in the spring a meeting was held at Barisāl when the new form of agreement was drawn up in the presence of representatives of Bisheshwar Babu, the talukdar and the hāolādārs of Marichbonia estate. It might have been expected that during the pendency of this settlement and similar settlements in the other estates of the group, there might have been some cessation in the Armenian method of the landlords. This, with a wide-spread exception, the reason for which will be explained later, was not the case. I need only mention a few instances to prove the continuation of the system. Perhaps the most glaring instances are two criminal cases instituted in the Patuakhali Court; the one Gajanali v. Rajabāli Mridhā instituted in June; the other Āminuddin v. Āfeluddin instituted during the progress of this enquiry. In either case the complainant is a puppet of the landlord; the witnesses, his peons and mridhas; in the former case there is not the slightest doubt as regards the falsity of the charge; in the latter case the fact that the accused was in the Settlement Camp from 6 A.M. to 12 A.M. in the morning when the offence is alleged to have been committed, is sufficient to support the C form submitted by the police. Both accused, it may be added, are considered hostile to Bisheshwar Babu. Rent-suits have been instituted in very many cases and the applications of 7 tenants in such false suits are submitted herewith. In Moiyat Bāzārghonā the tenure-holder, Upendra Nath Sen, has filed a false rent-suit against Rup Gazi and others, which he is now being compelled to withdraw. In Appendix A of the note on Bāzārghonā will be found a list of exactions of Padiana in the months of Baisāk and Āsar last, i.e., since the agreement was drawn up; the landlords concerned are Bisheshwar Babu, Haran Chandra Sen, and Upendra Nath Sen; these instances can easily be multiplied from many mauzas; there is not the slightest doubt but that the old methods have been maintained despite the terms of the agreement.

I have referred to a wide spread exception to the continuation of this system of oppression; the exception, I fear, does not redound to the credit of the landlords and is a further proof that they are merely waiting to renew their extortions, until the authorities have left the locality. I refer to the collection of abwabs, practically no proof of which can be adduced since the month of Jaistha, i.e., since the agreement was drawn up. A perusal of the collection papers submitted will show that the abwabs are entered in the *jama-kharach* papers along with the rent; a closer perusal will show that while collections cease in Baisāk, they are usually commenced again in the month of Srāban (15th June to 15th July). This year's papers will apparently show no receipt for the months of Srāban and Bhādra, as in every estate the landlords suspended their collections during the enquiry. The reason is, I think, very obvious, viz., that they feared a far-wider revelation as regards their collections of abwabs, if the tenants had local officers, to whom they might complain; the landlords doubtless remember the jotes which followed the settlement of 1287, and as the trend of affairs clearly shows, it is more than probable that a reign of terror similar to the one of 1287-88 will follow the present settlement, if it be carried out on the proposed lines. I hardly think it necessary to enter into the details of the troubles which followed the settlement of 1287 B.S., as the subject has been admirably treated in the notes on Marichbonia, Kālībārī, Bāzārghonā, the latter note being exceptionally good. In Marichbonia 49 tenants were evicted by force, oppressive and illegal kabuliyat (some of which were produced by an unwary new zamindary muharrir in Kālībārī, Pakshya) were taken from the tenants; heavy fines were exacted, false criminal cases instituted; the estates were thronged with lathials; rent was enhanced at an average of Re. 1-1 in Rs. 4 an excellent table of which has been given with documentary proof in the note on Bāzārghonā. It was a period of terror and panic.

At first sight it may appear to be surprising, that since the enhancements made about the year 1287-90 B.S. the number of illegal enhancements is remarkably small, with the exception of one or two smaller mauzās. In reality the rents have been increased by an enormous growth in abwabs, and documentary evidence is produced in some quantities, in Marichbonia, Bhayang, Kākāboniā, etc., etc., to prove that no dākhilā is ever given until the rent and all the abwabs have been paid in full; while the rent alone appears on the dākhilā, the whole hissāb is detailed in the collection papers, which will show the stupendous proportion in cases about 75 per cent., which the abwabs bear to the actual rent. It is not difficult to understand the designs of the landlords; in the first place, provided that their actual collection papers are not produced (and every landlord among this group of estates has a special set for civil court, Government inspection) no case of illegal enhancement can be proved against them, their chances of a re-settlement are not imperilled. The other and more important object of the landlords, however, appears to be the evasion of payment of a higher revenue; in other words it is a clear attempt to defraud Government. In estates where a settlement is customary on the basis of raiyatwari assets, it is natural that the slim landlord will attempt to show his rent-roll in the smallest possible proportion to his actual receipt from the land; and throughout this whole group of estates the landlords have adopted this fraudulent method of deflating their receipts from rent, while at the same time they swell their income from the tenantry. A mass of documentary evidence is submitted in support of this assertion. It may be urged that the new form of agreement will prevent the enhancement of rent and the collection of abwabs; I am unaware of a single instance of an estate in which this has proved practicable, or in which any such conditions have been enforced.

That this method of defrauding Government of its due revenue is not only adopted by the method of collection outlined above, I can prove by two glaring instances, which go far to prove the extent and danger of the fraud. In Chālītāboniā kabuliats have been produced showing a higher rental than that entered in the khatiyans of the present settlement operations. In other words, revenue will be assessed on a sum lower than the actual rent (apart from abwabs) received by the landlord. In the absence of dākhilās in any sufficient number, owing to the fact that landlords have in most cases refused to produce kabuliats, except those taken from their minions, it has been impossible to prove the extent to which this fraud has been practised.

In the Hāzikhālī estates this fraud has reached a still higher level. It appears that the true rent was recorded in the kabuliats, the rent so recorded agrees with the amount stated in the kabuliats produced. However, at the instigation of the landlords, the tenants claimed and were recorded for a much reduced sum in the jamabandi papers, which were intended to form the basis of the new assessment. This allegation has been admitted to be true by the hāoladar in the presence of Maulvi Nuruddin Ahmad, Assessment Settlement Officer, and the naib of Bisweswar Babu; a detailed account will be found in the last page of the note on Hāzikhālī Tauzi No. 4563, 4564, 4565.

In Marichbonia, again, the settlement record and jamabandi papers bear no sign of the ijara over the Marichbonia hat for which Bisheshwar Babu receives rent. I submit below the ijaradars *amāni* and *jama kharach* papers to show that in this estate also the total asset have been concealed in order, among other objects which need not be recounted, to defraud the Government revenue.

Before proceeding to a short analysis of the enquiry estate by estate, I would call attention to the extreme difficulties which were experienced in obtaining the necessary papers from landlords. In Marichbonia the amāni denied the existence of any papers and ultimately only produced an untrustworthy set obviously copied for the occasion. A similar plea of the Pakshya landlord was only frustrated by the discovery in his outhery of a list of the papers kept. Kabuliats could only be obtained with the greatest difficulty and every credit is due to the whole enquiring staff, for the excellent evidence which they have submitted. I would call special attention to the notes of Kauungos Muhammad Mohiuddin (exceptionally complete and thorough), Mentālī, and Skeikh Abdullāh.

I append a summary of the enquiry into each estates an index to the documents submitted together with a series of tenure trees showing the results of applying section 22 of the Bengal Tenancy Act after treating the tenures as *mourāsi* raiyats.

MARICHBUNIA TAUZI No. 4552.

Details of khebat.—Total number of khewats 228, of which no less than 140 are in the name or admitted *benāmi* of Biseswar Roy Choudhury, the talukdar. A vast number of these under tenures have been created *benāmi* and are purely fictitious. Details will be found in each entry in the khebat note on the estate.

Details of khatīāns.—Total number 407. In 112 of these, the tenants have been expelled by force, and the holdings made khas in whole or part and relet. Details of illegalities in kabuliats appear in the form 49, ejectment took place immediately after the settlement of 1287 B.S., 56 grossly oppressive and illegal kabuliats were then taken.

CHALITOBUNEA TAUZI No. 4690.

Tenures.—Fourteen Khebats; Durgā Prasanna Ray Choudhury is the talukdar, and in all holds 10 of the khebats, as *hāolādār* or *muhāolādār*; all of which would merge as holdings. In many of the underenures, the holder was driven out by the previous talukdar, the whole of whose interest were purchased by Durgā Prasanna Ray in 1887; in these 7 instances (see note on tenures) I presume the present tenure to be fictitious. Khebat in No. 14 (N. Hāolā Ram Kumār Chanda) purchased by Durgā Prasanna Choudhury for arrears of rent in 1890.

Khatīāns.—Total number 63; In 18 of these illegal enhancement is proved by documentary evidence Rents recorded below that in kabuliats to defraud Government revenue. Most oppressive conditions in kabuliats, proving abwabs, etc. and 75 per cent. interest on arrears of rent; no kabuliats taken until quite lately.

For other illegalities, e.g. illegal interest, ejectment by fraud, fines, *hāet*, etc., etc., see the General note.

That there is no reign of terror here in 1287 after the last settlement is due to the fact that Durgā Prasanna Ray only purchased his interest in the year of settlement, and there is accordingly no jote against him.

KĀLIBĀRI TAUZI No. 4644.

Khebats.—Total number 67, Eleven in the name of Bisheswar Ray Chaudhury, cosharer landlord; if the howladars are treated as *mauraisi* raiyats, 23 khewats will merge under section 22 Bengal Tenancy Act. If under-rayists interests merge, the proportion of mergers will be far greater. Many of the tenureholders are heavily involved, part of the estate is already in the hands of the Eastern Mortgage Company.

Khatīāns.—One hundred and forty-eight Korsha, 11 kol karshā; total 159. Two of these khatīāns and 119, 121 are held *benāmi* (see special note with the mauzā file) for the landlords. Of the 148 korshadars, 70 have been ejected by force or fled from the mauza after the jote of 1288, due to the oppression of the landlords after the last settlement; there are 45 cases of ejectment due to the settlement. The proportion is far greater than is apparent, as many of the 148 holdings are only newly cultivated. The kabuliats taken throughout the mauzā are most oppressive, stipulating payment of abwab *nazar*, etc., an enormous rate of interest on arrears, *ejectment at the will of the landlord*, refund of occupancy rights (see extract to khatīān 2, 3, 99, etc., throughout the khatīān notes. Only 11 of the kabuliats (of the worst type) were executed immediately after the last settlement, probably due to the fact that all hostile tenants had been evicted and no further kabuliats were taken for 10 years.

The General Note gives a careful mass of evidence compiled from documents, references being given to the documents filed in several raiyats, connected with Kālibāri. I would call special attention to pages 17-22 to show the methods of the landlords and the resentment of the tenants.

I wish to call special attention to the extract from kabuliats in the bujharat note on khatiyāns. There are all compiled from the original kabuliats produced.

PAKSHYA, T. N. 4694.

Khebats.—Total number 61, of which 44 are in the name of the talukdar, Bisheswar Ray Chaudhury and his proved *benāmidar*, Tufān Tārini (see note on Gerākhāli). If the *hāolādars* are treated as *mauraisi* raiyats, and section 22, Bengal Tenancy Act applied, the number of khebats would be reduced to 17. The talukdar was called upon to produce papers showing payment of rent by and to Tufān Tārini since 1906 the date of the gift, but was unable to do so.

Khatīāns.—Total number 90. Evictions have occurred in 36 holdings, 20 within a few years of the date of the last settlement (1287 B. S.) Khatīān 7 shows gross illegal enhancement in 1288 B. S. also khatīān 70. Note very oppressive conditions in kabuliats of following holdings 2-5, 20, 7, 37 39, 40-44, 4*, 47, 49, 74-77, 9, 13, 14, 16, 17, 19, 20, 69, etc.

Kabuliats of khatīān 52 under Nim Hāolā (kh. 2, 9, 10) is kol-karshā, see also khatīāns 57, 58.

Khatīān 31; the tenant has been dispossessed of half his holding.

General Note.—I call special attention to this and the valuable use made of documentary evidence, kabuliats, etc. The most interesting exhibit filed is the list of papers kept by the landlords, showing the special arrangements made for collecting, recording *abwabs*, etc.

GERĀKHĀLI 4559-4560.

Tenures.—Tauzi No. 4560.—One hundred and one khebats in all. Talukdar Bisheswar Ray. Of these 42 stand in the name of Bisheswar Ray; 19 in the name of Tufān Tārini (niece of above) to whom the tenures were transferred by a *प्राप्त* of 3rd March 1906 by Bisheswar Ray. The transaction has been admitted *benāmi* to the Assistant Settlement Officer by Bimolā Guha, naib of talukdar. Thus 55 out of 101 tenures belong to the talukdar. Details as to merger appear in the tenure note.

Tauzi No. 4559. Three khebats. Asat talukdar, Durga Prasanna Ray, who possesses 2 annas of the single hāolā.

Holdings. Fifty-five khatians in all (note 101 tenures); 10 ejectments. Note the following khatians for collections of *abwab* and excess realization:—

Khatian No.	Rent. Rs. A. P.	Realization. Rs. A.
17	38 8 0	48 10 }
18	38 8 0	49 0 }
19	105 0 0	129 0 } R. S. No. 2926.
25	46 3 0	59 0 }
10	42 0 0	50 0 }
also Nos. 13, 16, 20, 21, 6, 7, 8, 9, 23		
6	30 10 6	41 0 }
20	41 11 0	58 10 }
25	27 14 0	38 0 }

Two cases of ejectment and one of illegal enhancement occurred immediately after the previous settlement (1287 B. S.)

General Notes.—The mauzās are very small and history is similar to that of Bāzārghonā where most of the documentary evidence will be found. As the tenants of these 2 mauzās (55 in all) did not dare to join the jote of 1287, there are only few ejectments at the time.

PATUĀKHĀLI TAUZI No. 4645.

Khebats.—Total number 61. Talukdar, Durgā Prasanna Ray Chaudhury. Forty-nine khebats stand in his name, four in the name of his sister and benāmidar, Swarnamai Debi; total 53. If the so-called hāolās are treated as maurāsi raiyati holdings and the *benāmi* is cancelled, the number of holdings under the talukdar by applying section 22, Bengal Tenancy Act, will be reduced to 12. Of the tenures standing in his own name, nine are in the of *mudāfat* of Durga Prasanna Ray and are obviously very late creations.

Khatia s.—Total number 226. There are 40 proved cases of ejectment and many more instances of short holding of the lands, which presumes ejectment in many cases. The information has not been prepared very deftly, but 30 out of the 40 cases date from the years immediately succeeding the settlement of 1287. In the following cases rent-recorded in khatians are much lower than that in the kabuliyats (evidently to defraud Government revenue);—khatian Nos. 2, 4, 5, 26, 29, 30, 31, 33, 43, 142, 148. Oppressive conditions in kabuliyats will be found in the bujhārat n. te. There are very many cases of very heavy *abwabs* recorded, *s. g.*

Khatian No.	Rent. Rs. A. P.	Abwabs, etc. Rs. A. P.
30	22 7 6	31 0 6
33	98 14 6	38 1 6
42	67 11 0	14 5 0
133	32 7 0	25 9 0
213	37 15 0	29 1 0

I mention the following cases of illegal enhancement (proved by dākhilās) immediately after the settlement of 1287.

Khatian No.	Dakhilā	Rs. A. P.	Enhanced rate. Rs. A.
55	1286	27 8 0	55 0
55	1280.83	2 0 0	5 0
120	1285, etc.	68 4 9	106 4

(dakhila of 1314)

General Note.—I would call attention to the pay of the estate staff on page 2 and to the high *salāmi* paid for the appointment. A peon who receives Re. 1 per month after payment of Rs. 100 *salāmi* must find it difficult to live with justice to the tenants.

BAZĀRGHONĀ—TAUZI No. 4643.

Khebats.—Total number 128; 8 stand in the name of the talukdar Upendra Nath Sen, 17 in the name of Bisweswar Ray Chaudhury, a large number of others being in the hands of a set of Shāhās.

Khatians.—Total number 238. Number of ejections by force, etc., 60, of which 48 occurred immediately after the last settlement in 1287-88 B.S. It should be noted that in some 30 other cases, tenants who got settlement about 1290 B. S. say that they found the land deserted; it is not unlikely that the previous occupants had been similarly driven away. The khatian notes show very many cases of excess realization, abwabs in nearly every khatian varying from 60 per cent. to 75 per cent. of the rent. Note khatian 33, the note thereon of illegal enhancement and part of the holding being made khās (dākhilās, etc. attached), also khatian 47 (dākhilā attached), 49, 54, 93 (dākhilā attached). The number of actual illegal enhancements only amounts to about 12, but the kanungo has noted carefully in almost every khatian the realizations beyond the rent; it is worth perusal.

General Note.—This is a remarkably good note; it explains the illegal exactions and oppressions prevalent with due reference to conclusive documentary evidence. The following pages especially are worth perusal:—

- Pages 1—3, the panic, oppression and jote after the last settlement of 1287 B. S.
- Pages 4 and 5, increase of rate of rent and taking oppressive kabuliyat after the last settlement.
- Page 22, summary and proofs of abwabs.

HAZEKHALI TAUZI Nos. 4562-4, 4566-7-9.

Khebats.—Total number 112. Application of section 22 Bengal Tenancy Act, reduces the number 83 (or 80 merging, 3 under raiyats interest.) It should be noted that the procedure here will in nearly every instance show one of the cultivating class as raiyat under the landlord, all the tenures are small.

Khatians.—It should be noted that many of the khatian holders correspond with the lower grades of tenure-holders. There are 23 cases of illegal forcible eviction, and 32 cases of illegal enhancement. There are few kabuliats and what there are, are oppressive and illegal; many of the holdings are new creations. Note the frequent change from money payment to barga leases.

General Notes.—I call special attention to the note on Tauzi Nos. 4563, 4564, and 4566. Dakhilas are not given at all and false rent suits frequent in addition to other forms of oppression (see page 11.) See page 12 for attempts to defraud Government revenue. An excellent set of documentary evidence has been produced, the most valuable being the original collection papers, showing realization of abwab to an enormous extent.

BHYANG KAKRABUNIA TAUZI No. 4764.

Khebats—Mauzā Basandā.—Total number of khebats 109, of which 11 belong to the Messrs. Brown 12 each to Govinda Mohan Ray, and Durga Charan. Khebat 51 is suspicious.

Mauzā Kutubchar.—Total number of khebats, 106, of which 40 belong to the Messrs. Brown; how they stand will be seen from the tenure tree.

Mauzā Majidbarā.—Total number of khebats 237, of which 80 belongs to the Messrs. Brown. It should be observed that many of the tenures are new creations in the mudafal of E. S. and J. S. Brown.

Khatians—Mauzā Barandā.—Number of khatians 174. See khatian 40 for ejectment by force. Khatians 26, 44, 51, 64, 126, 161 for commutation from money rent to produce in whole or part. Practically no Kabuliats.

Mauzā Kutubchar.—Number of korsha khatians 141. For illegal enhancement, see khatians 119, 120, 121. Where kabuliats are given, the terms are exceedingly oppressive, comprising payment of *nazar*, *sādianā*, etc., an exorbitant rate of interest on arrears and ejectment at will of landlord.

Mauzā Majidbarā.—Number of karshā khatians 258. Note khatians 178, 180, 181, 182, 184, 185, 187, 189, 190, 227, etc for excess realizations; khatians 202, 217 and 234 for ejectment by force. Kabuliats as in Mauzā Kutubchar.

General Notes.—The Miscellaneous Notes give a good summary of the *abwabs* taken.

SUMMARY OF DOCUMENTS FILED.

	Marichbania.	Chalitabania.	Kalibari.	Pakshya.	Gerakbali.	Hazikbali.	Patnakbali.	Bazarghonā.
Concerning—								
Tahuri and nazar	10	1	7	3	...	13	...	7
Abwab	2	...	2	2	...	...	5	4
Marriage fees (sadiana)	7	...	...	4	...	21	2	1
Ditto (nika marriage)	2	...	...	...	...	...	...	...
Yogan	3	...	...	3	...	...	2	...
Begar	3	...	...	...	...	...	1	1
Chanda ... ..	...	...	...	1	...	...	...	...
Sale of appointments of molla, etc.	1	...	...	1	...	...	...	1
Courts for justice and punishment	9	...	...	7	...	...	5	6
Fines ... ..	...	...	...	1	...	...	3	2
Excommunication ... ..	...	...	...	3	...	...	1	2
False rent suits	5	...	...	...	...	...	...	...
Excess realisation	25	3	12	9	2	...	...	...
Illegal enhancement	18	7	2	...	...	...	...	...
Forcible realisation of rent ... ..	...	...	...	1	...	...	1	1
Commutation of money rent into produce	11	...	...	...	...	...	...	...
Extortionate interest on arrears	...	...	...	1	...	...	...	1
Withholding rent receipts	12	...	...	...	...	...	...	4
Illegal eviction	12	...	...	4	1	...	3	5
Fauti (appropriating dead men's property)	3	...	...	...	...	...	1	1
Attachment of crops	3	...	...	1	...	...	1	2
Ditto lands	2	...	...	...	...	...	2	...

Complete accounts were also secured in some cases, showing realization of abwab, viz., jamāwail and āmdāni of Marichbania and Chalitabania for 1883 and 1907; tallab baki for 1908, prajawari hisab 1908 and 1909, jamāwasil 1905-06, of Bhayang Kakrabania; two kharach hisab, two prajawari hisab and five āmdāni of Bazarghonā; nine kharach hisab for 1808 to 1808, prajawari hisab for 1900 to 1903, āmdāni for 1908 of Hazikbali. Also three books of jamāwasil of Bazarghonā, which showed the rent to be Rs. 3-8 a kāni in 1866 and Rs. 5 a kāni in 1881. In Pakshya evidence was discovered of the existence of bezabedā jamāwasil and bāzerakam āmdāni for the credit of abwab, but the books themselves were not forthcoming.

APPENDIX IX.

STATEMENT OF CASE FOR ADVOCATE-GENERAL.

(Application of section 3, Regn. VII of 1822 to Shikmi taluks.)

THE estate in question lies within the Sundarbans of Bākarganj. The proprietary right of the estate is vested in Government by virtue of section 13, Regulation. III of 1828.

Immediately below Government, there is a shikmi taluk covering the entire estate. Below the shikmi taluk there are subordinate tenancies of various kinds. The right of the shikmi talukdar is permanent, heritable and transferable; but the amount which he pays to Government is liable to periodical revision. Hitherto the settlements have been made under Regulation VII of 1822. At each settlement a kabuliyat (agreement) was executed by the talukdar. Such kabuliats were executed in 1844, 1847, 1857 and 1881. Copies of the vernacular kabuliats, together with the English translations are herewith appended. It should be explained that Regn VII of 1822 was extended to the temporarily-settled area of Bengal in general and to the Sunderbans in particular by section 2 of Regulation IX of 1825. For the temporarily-settled area in general Regulation VII of 1822 was extended "as far as the same may be practicable;" for the Sunderbans in particular these words do not occur (*compare* clause 1 with clause 3).

2. The Bengal Tenancy Act VIII of 1885 (as amended up to date) is also in force within the Sunderbans of Bakarganj—*vide* section 1(2) of that Act. The Act purports to regulate the relationship between Government as a landlord and tenure-holders under Government—*vide* section 3(4) of the Act. Regulation VII of 1822 has not been repealed by the Bengal Tenancy Act.

3. The estate in question has been notified for the preparation of a record-of-rights and the revision of land revenue. The notification has been issued under section 101 (2)(c) and (d) of the Bengal Tenancy Act. In the record-of-rights the shikmi talukdar has been entered as a "permanent tenure-holder" within the meaning of sections 5(1) and 3(7) and (8) of the Bengal Tenancy Act. His rent has been entered as liable to revision. The correctness of these entries is not disputed by Government or by the shikmi talukdar.

4. If Government be satisfied that the continuance of this shikmi talukdar in the management of this estate (mahāl) would "endanger the public tranquility or otherwise be seriously detrimental" is it open to Government to declare under section 3 of Regulation VII of 1822 that the estate shall be managed khas, that is, that Government shall collect rents direct from the subordinate tenants during a period of 12 years? If so, what procedure should be adopted by Government in giving effect to this declaration?

OPINION.

The penal clause in section 3 of Regulation VII of 1822 must, like all provisions of a penal nature, be construed strictly. The provision so construed applies only to cases of the class of persons who at the time of the passing of the Regulation were regarded as a class of *actual proprietors of the soil* (*see* Regulation VIII of 1793, section 1). The object of the Regulations was to create and establish a class of landholders of that status both in the permanently-settled area and in the areas which were temporarily-settled.

In the present case the Government itself took the status of actual "proprietor" and conferred on the person to whom it is proposed to apply the penal provision the status merely of a tenant (a permanent tenure-holder in the language of the Tenancy Act). The penalty of confiscation under section 3 of Regulation VII of 1822 relates to the "rājā zamin-dar, talukdar, or other person (*ejusdem generis*)" and not apparently to persons on whom the status of "actual proprietor" has not been conferred.

For these reasons I am of opinion that the penal provision cannot properly be applied in this case.

HIGH COURT, CALCUTTA,
The 15th November 1910.

(Sd.) G. H. B. KENRICK.

X.

STATEMENT OF CASE FOR ADVOCATE-GENERAL.

Merger of tenures under section 111d of the Transfer of Property Act or otherwise.

A Government estate in the district of Bakarganj has been notified for the preparation of a record-of-rights and the revision of land-revenue under 101(2) (c) and (d) of the Bengal Tenancy Act. It comes to the notice of the Revenue Officer that a tenure-holder within the estate has purchased the rights of several tenants who were not "rai-yats" within the meaning of section 5(2) of the Tenancy Act, but subordinate "tenure-holders" within the meaning of section 5(1). The subordinate tenure-holders held immediately under the superior tenure-holder and the superior tenure-holder was the sole landlord of the subordinate tenure-holders.

2. The Bengal Tenancy Act seems to be silent regarding the merger of subordinate tenures into superior tenures. In section 111(d) of the Transfer of Property Act, 1882, it is however laid down that "a lease of immoveable property determines in case the interests of the lessee and the lessor in the whole of the property become vested at the same time in one person in the same right." But again in section 117 of the same Act it is laid down that the provisions of section 111 (d) do not apply to "leases for agricultural purposes."

3. The first point on which advice is wanted is the correct interpretation of the expression "leases for agricultural purposes." The subordinate tenures now in question will be found to fall into one or other of the three categories named below :—

- (a) leases granted to persons *not* of the cultivating class for the purpose of collecting rents from cultivators who were already tilling the soil,
- (b) leases granted to persons *not* of the cultivating class for the purpose of bringing waste land into cultivation by settling cultivators upon it,
- (c) leases granted to persons of the cultivating class for the purpose of bringing waste land into cultivation, partly by their own labour and partly by settling subordinate cultivators upon it.

Which of these leases, if any, should be held to be "leases for agricultural purposes" within the meaning of section 117 of the Transfer of Property Act? It may be added that none of these leases is a *patni*, *dar-patni* or *se-patni* within the meaning of Regulation VIII of 1819.

4. The Transfer of Property Act came into force on 1st July 1882. It would seem from section 2(c) that where the Act laid down a new principle, such principle cannot be applied to a lease which was granted before 1st July 1882; but where the Act merely codified an existing maxim of law it is immaterial whether the lease was granted before or after 1st July 1882. Advice is therefore wanted on the question whether, in enacting that non-agricultural leases can be "determined" by merger, the Transfer of Property Act laid down a new principle for the *mufassal* districts of Bengal or whether it merely codified an existing principle of law.

5. If it be held that the Transfer of Property Act laid down a new principle for the *mufassal* districts of Bengal, how should the revenue officer frame the record-of-rights where he finds—

- (a) that the superior tenure-holder has purchased a non-agricultural under-tenure which was created before 1st July 1882,
- (b) that the superior tenure-holder has purchased a non-agricultural under-tenure which was created after 1st July 1882?

In these two cases, how should he act if the under-tenure is agricultural?

6. If it be held, on the other hand, that the Transfer of Property Act merely codified a maxim of law which already existed in the *mufassal* districts of Bengal, how should the revenue officer frame the record-of-rights where he finds—

- (a) that the superior tenure-holder has purchased a non-agricultural under-tenure which was created before 1st July 1882,
- (b) that the superior tenure-holder has purchased a non-agricultural under-tenure which was created after 1st July 1882?

In these two cases how should he act if the under-tenure is agricultural?

7. If it be held in any case that the under-tenure has merged, how will the action of the revenue officer be affected if he finds that, although the purchase took place before 1881, yet in a record-of-rights which was prepared by Government in 1881 under Regulation VII of 1822, the under-tenure was not merged?

OPINION.

(i) Whether or not a particular lease is a "lease for agricultural purposes" must necessarily depend on its terms. The objects for which the lease is expressed to be granted rather than the class of persons to whom it is granted appears to afford the test—

- (a) Leases granted to persons not of the cultivating class for the purpose of collecting rents from cultivators who were not yet tilling the soil are in my opinion not to be regarded as "leases for agricultural purposes" within the meaning of section 117 of the Transfer of Property Act;
- (b) Leases granted to persons not of the cultivating class for the purpose of bringing waste land into cultivation; and
- (c) Leases granted to persons of the cultivating class for the purpose of bringing waste land into cultivation should in my opinion be regarded as "leases for agricultural purposes" within the meaning of section 117 (*see* I. L. R., 28 Calcutta 744, and 9 Calcutta W. N. 141).

(ii) The Transfer of Property Act, 1882, introduced a new principle of law for the *mufassal* districts of Bengal (*see* 10 W. R., at page 17 per Sir Barnes Peacock; and I. L. R., 19 Calcutta 760: *see* also I. L. R., 28 Calcutta 744). But the Transfer of Property Act did not abolish or derogate from any existing rights which had been acquired at the time when the act was passed.

As a matter of general principle and subject to the determination of each particular case on its own circumstances I am of opinion that :—

- (a) The superior tenure-holder should be recorded as possessing also the rights of the under-tenure;
- (b) The superior tenure-holder should be recorded as possessing only the rights of his superior tenure.

If the under-tenure be agricultural the superior tenure-holder shall be recorded as possessing the rights of both tenures in both cases.

(iii) In any case where the under tenure has legally merged the revenue officer should in my opinion, so record it in his record-of-rights; he is entitled in such a matter of law to disregard the statement in the record-of-rights prepared by the Government in 1881 under Regulation VII of 1822 indicating that the under-tenure was not merged.

HIGH COURT, CALCUTTA.
The 15th November 1910.

}

(Sd.) G. H. B. KENRION,

APPENDIX XI.

Memorandum by the Director of Land Records (Mr. Beatson Bell), dated 22nd December 1910 on a revision in the form of kabuliat.

3. Mr. Jack would like to see a revision in the form of kabuliyat so that each tenure-holder is made answerable for the acts of his agents. This could be done by the insertion of a new clause A worded as follows :—

“I shall not allow any of my agents to break any of the aforesaid conditions of this lease” and by the specific inclusion of “agents” in clauses 7, 8 and 10. It is true that even without these amendments the kabuliyaats must be read in the light of the ordinary doctrine of agency; but the amendments, if inserted, would leave the matter more clear and definite. On the other hand it must be remembered that the pleader of Babu Bisweswar Ray accepted in open court the terms of the kabuliyat as then drawn up. Any modification in the terms will afford an excuse for repudiation of the agreement. I shall be obliged if the Board will issue definite instructions on this point *i.e.* whether any modification in the terms of the kabuliyaats should be suggested at this stage.

Although the question of merging tenures will now be dropped, Mr. Jack proposes that in cases where *benāmi* is admitted on both sides the record should be revised. For example, as the record now stands the tenure-holder is shown as A. Both A and B admit that the real owner is B. It is proposed to revise the record by substituting B for A. So long as this is confined to cases in which the two persons concerned file a written petition of consent, I see no objection to the proposal.

XII.

Reply, dated 6th January, of the Secretary to the Board of Revenue to Memorandum.

I AM addressing you officially about the Marichbonia cases, but Mr. LeMesurier is of opinion that no changes should be made in the terms of the kabuliyaats.

XIII.

No. 38 S. & S., dated Dacca, the 6th January 1911.

From—J. F. GRUNING, Esq., I.C.S., Offg. Secy. to the Board of Revenue, Eastern Bengal and Assam,

To—The Director of Land Records, Eastern Bengal and Assam.

I AM directed to refer you to the correspondence on the subject of the Settlement of estate Marichbonia, tauzi No. 4552 in the Bakarganj district, and to forward copies of the cases stated by you and of the opinions of the Advocate-

Member in Charge:
The Hon'ble MR. H. LEMESURIER, C.S.I., C.I.E.

General thereon, with the request that effect may now be given to the Board's order, dated the 9th April 1909, a copy of which is enclosed.

I am to say that any modifications, which may be required in the proposals contained in letter No. 789-800 T., dated the 17th April 1909, should be reported for the approval of the Board.

XIV.

No. 789-542 T., dated Camp Faridpur, the 14th January 1911.

From—The Hon'ble Mr. N. D. BRATSON BELL, C.I.E., I.C.S., Director, Department of Land Records, Eastern Bengal and Assam,

To—The Secretary to the Board of Revenue, Eastern Bengal and Assam.

With reference to your letter No. 38 S. & S., dated the 6th January 1911 on the subject of the assessment of the Marichbonia group of estates in Bakarganj I have the honour to say that the orders of the Hon'ble Mr. Savage are now being carried out. The form of kabuliats which was submitted with my letter of 17th April 1909 will not be modified in any way. Pattas in this form will be offered to the tenure-holders and will be marked as "mufassal patta granted under section 9(2) of Regulation VII of 1822." Similarly, the kabuliats will be marked as "counterpart of mufassal patta granted under section 9(2) of Regulation VII of 1822."

2. In order to avoid future disputes, it is proposed that the *nim-haoladars* should be brought within the scope of the orders, i.e. that they should receive pattas and should execute kabuliats in the form approved for the howladars. The bigha rate for *nim-haoladars* will ordinarily be 20 per cent. below the standard raiyatwari rate of the *haola* concerned.

3. It is not quite clear from the orders of the Hon'ble Mr. Savage what course should be adopted in the case of those tenure-holders who fail to execute the necessary kabuliats. It is proposed that in such cases the assessment of the tenure-holder concerned should be so revised that his net profit is reduced by 50 per cent. It is proposed that the tenure-holders should be allowed one month for the execution of the kabuliats.

XV.

No. 207 S. & S. dated Dacca, the 17th January 1911.

From—J. F. GRUNING, Esq., I.C.S., Officiating Secretary to the Board of Revenue, Eastern Bengal and Assam,

To—The Director of Land Records, Eastern Bengal and Assam.

I AM directed to acknowledge the receipt of your letter No. 789-542 T., dated the 14th January 1911, in which you submit for the approval of the Board, the following proposals in connection with the assessment of the Marichbonia group of estates in the district of Backarganj:—

- (1) The form of kabuliats which was submitted with your letter No. 789-800 T., dated the 17th April 1909, to be executed by the talukdars and the *haoladars*.
- (2) Marking of the patta which will be offered to the tenure-holders as "mufassal patta granted under section 9 (2) of Regulation VII of 1822."
- (3) Marking of the kabuliats as "counterpart of mufassal patta granted under section 9(2) of Regulation VII of 1822."

Paragraphs (4) and (5) can be made applicable to intermediate tenure-holders other than "*nim-haoladars*." The name is immaterial. The word "ordinarily" leaves a margin for the exercise of discretion.

B. BELL.—21-3-1911.

- (4) *Nim-howladars* should receive pattas and should execute kabuliats in the form approved for *haoladars*.
- (5) The bigha rate for *nim-haoladars* will ordinarily be 20 per cent. below the standard raiyatwari rate of the *haola* concerned.
- (6) In cases in which the tenure-holders fail to execute the necessary kabuliats, the assessment of the tenure-holder concerned should be so revised that his nett profit is reduced by 50 per cent.
- (7) The tenure-holders should be allowed one month for the execution of the kabuliats.

2. In reply, I am to say that the Board approve of the proposal stated above, and await a further report from you as to the result of the notices, which you propose to issue to the *haoladars* and the *nim-howladars* and of the action taken to reduce the tenure-holders' profit by 50 per cent.

XVI.

Report by Mr. F. D. Ascoli, I.C.S., on the results of further investigations made in August and September 1912.

I AM sending you to-day under separate cover the results of the enquiry made by kanungos, Shaik Abdullah Revenue Officer and Muhammad Mohiuddin in the Marichbonia

group of estates in August and September last. The two officers worked indefatigably throughout and have embodied the results of their work in two excellent reports; in addition to the reports will be found the following papers :—

- (a) documentary evidence obtained,
- (b) evidence taken during the enquiry mauzā by mauzā,
- (c) mauzāwar analysis of every tenant in the estate in the following form :—

Khatīān No.	Name of present possessor.	Rent recorded in khatīān.	TOTAL RENT PAID LAST YEAR.		WHETHER DĀKHILĀ WAS GIVEN.		abwabs paid.	REMARKS.
			Current.	Arrears.	Current.	Arrears.		

I have not thought it necessary to write a detailed covering report, as the reports submitted are sufficiently concise to show clearly the state of affairs. I visited the area in the middle of September to see the kanungos during the progress of the work. As I had expected they met with considerable difficulties, which they made every possible effort to surmount. The utter failure of the last enquiry of 1909 to bring any real redress to the oppressed tenants resulted in a distinct disinclination on the part of these tenants to come forward to give evidence; in Marichbonia itself the landlords had won over a section of the tenantry by the influence of their mridhas and by taking advantage of the extreme party factions in the village. The landlords had taken warning from the previous enquiry and did not give the enquiring officers the opportunity of obtaining documentary evidence of the importance and on the scale of the "bag" of the previous enquiry. Collections were postponed until the enquiring officers had left the area; the collecting staff did not come to the locality and no papers were left in any of the numerous outcherries. This is quite sufficient to show that the landlords did not dare to face an enquiry openly; but unfortunately such indirect evidence is of no practical value. The result is that the amount of documentary evidence obtained cannot compare with the previous collection; it is in fact rather meagre, though some of it is of much importance.

To summarize the results of the enquiry it has been proved beyond a shadow of doubt that the state of affairs now is identically the same as what it was before the current settlement was made, with the exception that the landlords have obtained a firmer hold over the tenants by the extended application of control by locally-appointed mridhās. The oppression and extortion continue with unabated force. Considering the previous history of the estates, one is compelled to ask what the Subdivisional Officer and the police have been doing. I am convinced that the police have been playing directly into the landlords' hands and that until a straight honest Muhammadan Inspector is sent to Patuakhali, nothing is likely to be done to remedy the evil of police perversity. I would refer to one specific instance, viz, 107, Criminal Procedure Code, case filed against Mahendra Lal Sarkar (17th April 1912) a notorious tahsildar of Marichbonia; the case was dismissed on a police report, stating that no overt acts could be proved against him. Such a report is absurd on the face of it, as anybody who had spent a casual hour in Marichbonia could discover; an impartial police enquiry would have resulted in a mass of evidence and a host of witnesses.

The reports, etc., show a mass of oral evidence to the effect that rent-receipts are not granted, in many cases I believe that this evidence is true—in some it is false undoubtedly as many tenants are refusing to pay rent. The only real test is the existence of *parkhāis*, where they are signed by the tahsildār, the failure to grant receipts can probably be proved with ease: where they are not signed, the handwriting of naibs and tahsildars must be identified; this should not be very difficult. As regards collection of *abwabs*, there is an overwhelming mass of oral evidence and a certain amount of documentary evidence filed with the exhibits. A large amount of additional evidence may be obtained by an examination of the registration registers of Patuākhālī, as it appears that in all mortgage-bonds the rent mentioned covers the legal rent together with the *abwabs* payable to the landlords. I regret that the time at the disposal of the enquiring officers rendered it impossible to make the necessary search there and there.

APPENDIX XVII.

Report of the Investigating Officer Maulvi Muhammad Mohiuddin, Revenue Officer, dated 2nd October 1912.

If we carefully study the state of affairs of the Marichbonia group of estates from the time when the present maliks first set their foot on this place up to the present, we may see that their chief aim with regard to this place is money and that they have been carrying on this fundamental principle of theirs all through, with equal force and vigour; and that this sort of insatiable aggrandising motive has

struck root so deep into their mind, that it seems to be an affair of inpracticability to them to give it up.

To attain to their ends, these maliks seem to lose sight of all humanity and good heartedness, and they even neglect the very solemn pledges they give to the Government for taking good care of their respective tenants and they have been inventing various sorts of machinations from time to time, no matter if they be contrary to all humanity and generous feelings.

Being unable to bear the illegal and inhuman extortions, most of the tenants combined against the landlords, just prior to the settlement which ended in 1313 B. S. and struggled hard to get out of the clutches of the landlords. But unfortunately for them, they failed in their attempts and settlement was granted to the maliks for a period of 27 years (from 1287 to 1313 B. S.).

When the maliks got the settlement again, they determined to teach a lesson to the refractory tenants who rose up against them or who happened to speak anything which would go against them. They made every preparation for harassing the people. The kutcheries of Kalibāri and Bāzārghonā etc., became full of hired *lathials*. A panic ran through the villages, and the poor helpless people could understand their folly by bitter experience. Some were driven away (as they say) from their places and some left their ancestral property to escape the persecution that was sure to befall them, while the others had to purchase the grace of their respective landlords at large sums of money in form of *salami* etc., and by executing new *kabuliats* at an enhanced rate of rent.

Thus it is seen that when the tenants were crushed into unconditional submission—the most dissatisfactory ones being driven away.—the maliks began to exercise the most unrestrained influence; they began to interfere with every affair of their respective tenants to such an extent that no marriage contract could be effected without their permission, and no tenant could use a palanquin or shoes without obtaining a *sanad* from them on payment of some money. It was at this time that the maliks adopted certain methods and contrivances by which they satisfied their aggrandisements even up to the present day.

In order that their power and influence might go on undisturbed and there might not be any further possibility of the tenants being combined against them, the maliks contrived to take into their service the most influential tenants, as Peādās, Mridhās, Sīkdārs, Jamādārs and Mātbars, etc. These people were allured into this with being conferred with a sort of criminal power to exercise upon their fellow brethren and with a kind of recognised supremacy over the rest of the people. These people were authorised to arrest any man who committed any offence and to produce him to the malik's presence for trial. To exact fines and to chastise a man for his wrong-doing became the duty of these men; in short, they became something like the punitive police stationed in the locality. Now as a matter of fact, these positions came to be envied by other tenants and thus a rivalry soon sprang up among the influential tenants for securing them. The cunning maliks turned this opportunity to serve another item of making money, and these positions came to be set at something like an auction-sale and given to highest bidders of *salami*. For instance, we cite below a few cases, out of many :—

Peādās and Mridhās, as punitive Police in the locality (Vide Exhibit 16-29, 44C-44E).

- (1) Rajjab Mridhā of Bāzārghonā was made a *Mridhā* on receipt of a *salami* of Rs 130 by Bisweswar Babu.
- (2) Sodai Ghorami of Bāzārghonā was made a *Mātbar* by Bisweswar Babu, on payment of a *salami* of Rs. 125.
- (3) One late Ābul Hossuin had to pay Rs. 300 to Bisweswar Babu for obtaining a *sanad* for the privileges of using palanquin and shoes and for being made a *Mridhā*.
- (4) Khosal Khān of Marichbonia was made a *Jamādār* by Bisweswar Babu on receipt of a sum of Rs. 100.
- (5) Kalimaddi, son of late Āsan Uddin of Kalibāri was made a *Jamādār* by Umesh Chandra Ghosh and Sarat Chandra Ghosh on receipt of a *salami* of Rs. 60 in the month of Bhādra 1318 B. S.

Thus we see that the Peādās, Mridhās, Jamādārs and Sīkdārs etc., acquired some distinctions in the society and their position came to be recognised as such. Through the agency of these men, the maliks dominated over the social and private affairs of their tenants even, and this was to such an extent that nothing could take place in the society or in a family without their permission and knowledge. The maliks would dictate which men should occupy which position in society and which men should sit down on which sort of things (mats or carpets etc.) at a social gathering. Verily a man acquired higher and higher position in his society as he paid larger and larger amounts of *salami*. So at present we see the Mridhās, Jamādārs, Peādās and Mātbars, etc., who got *sanads* on payment of *salami*, to occupy high and influential positions in society.

Besides this social distinction, these men had another charm too—they were given a share of almost all sorts of Abwabs realised from the raiyats. Therefore these men were ever ready to carry out any order of their maliks. Thus it is seen that the contrivance of the maliks became successful beyond all imaginations.

Other special social privileges in the hands of the maliks. Here are given some of the social privileges which were in the hands of the maliks :—

- (1) No tenant was allowed to walk in a palanquin (even during marriage) unless he got a *sanad* from the malik on payment of a large *salami*.
- (2) No tenant was allowed to sit on a carpet (*galichā* or *masnad*, on the occasion of marriage ceremony, unless he got a *sanad* as above.
- (3) No tenant was allowed to use a marriage umbrella on the occasion of marriage without a *sanad* of the above description.
- (4) No man could put on shoes without *sanad*.
- (5) A man might be exempted from discharging some work of general good (such as building a dam across a khāl to prevent the intrusion of water into the fields) and from giving bhēt and begar, as a token of his position and honour by procuring a *sanad* to the effect.

There are only a few men in this place who managed to get such *sanads* and of whom the following may be mentioned (list of 25 names from 9 estates omitted).

No marriage could take place without the permission and sanction of the landlords and the interference of their agents (Peadas and Mridhas, etc.) who conducted the matrimonial affairs of the tenants as they liked. An abwab called "sādiānā" was exacted on each case of marriage, generally at the following rates (*vide* Exhibits 39, 3, 13, 51) :—

Upendra Nath Sen's Estate :—

	Rs.
Malikānā najar ...	4
Nayeb najar ...	1
Peādās and Mridhās ...	4
	9
	—
Hārān Sāhā and others, Kalibāri :—	Rs.
Maliks ...	6
Peādās and Mridhās ...	6
	12

Bisweswar Babu's Estate :—

	Rs. a.
Malikānā najar (called hujuri) ...	6 0
Nayeb najar ...	3 0
Peādā and Mridhā ...	3 0
Sikdār ...	1 0
Mohari ...	0 8
Haldāri ...	0 4
Mātbari ...	0 8
	14 4

In Marichbunia the rate is a little higher.

As a proof of this we may consult the following kabuliats in which there is stipulation which run thus :—“*শাদিয়ান স্বভদ্রভ্য ও অন্যান্য খরচাদি গ্রাম সরহ দিব।*”

Proof.

(List with full dates and details of 11 kabuliats in favour of 5 different landlords omitted.)

It may be noted here that the mollah who effected the marriage contract by mantras was appointed by the mālik on receipt of a salami. No other man except the chartered mollahs could perform a marriage and any violation to this would be dealt with heavy fines.

Mollah was selected by the malik.

The māliks used to try all cases of offence and complaint, both civil and criminal, and fine the guilty persons very heavily and realise the fine, so exacted, with iron hands. When the quarrel was about a piece of land it was generally either attached or cultivated by a third person (Exhibits 16, 19, 20, 44A).

Māliks as judges, both civil and criminal (*Vide* Exhibits 16-29, 43A, 43B).

Another prolific method of obtaining money was to deprive the legal heirs of a deceased of their rights and to let that out to another man on receipt of a salami.

Deception.

Sometimes a few bighas of land were forcibly taken away from a tenant by the maliks for reasons best known to themselves, and let out to others on receipt of salami (*vide* exhibits 28, 21).

Taking away land by piecemeal.

The practice of *fouti* was another source of income to the landlord. When a person having a male issue was dead his property was declared *fouti* (فوتی = death) and so capable of being confiscated to the estate, even when the deceased left his brother with whom he had been living in the same mess. These brothers of the deceased were obliged either to give up the share of their deceased brother or to take bandabasta of the same by paying a salami to the landlords.

Fouti.

Of all the means of making money the chanda system was the most important one. By this method the landlords realised large sums of money, and it seemed to be the chief concern of the māliks to invent any means, however slight, to demand chāndā from the tenants. The poor tenants were required to pay chāndā on the following occasions :—

Chāndā.

Items of chāndā .

- (1) if a landlord or any one of his family happened to go in pilgrimage;
- (2) if the sons of the landlord or he himself took any pleasure trip to Calcutta, Patuākhālī or any other place;
- (3) on the occasion of marriage, death and first-rice, etc., of any member of the malik's family or of a relative of his;
- (4) the auspicious arrival of the mālik at the tahsil kutcherry, etc.

The tenants could not help paying off the chanda when levied, no matter whether they could afford to pay it or not. In case any one failed to pay off the chanda the amount was deducted from the rent paid by him, and as a matter of fact there fell an arrear in the rent, for which dākhilā was withheld.

Dākhilā withheld for non-payment of chāndā.

Some of the tenants who had not been raised to the higher grades of society by sanads (*vide* page 5) were required to give certain articles to their landlords at fixed times of each year (generally during Durgā Pujā and Nabanna ceremonies) and failure to this was dealt with fine, etc. In some places computation was made and the price was assimilated into the rent (*vide* exhibits 40 and 41, 47, 12).

Bhet.

Beḡār.

Besides these they were to meet with occasional requisitions for milk, curd, goat and fish, etc., and they were to carry these things to the malik's house as *beḡars* (*vide* exhibits 39, 44).

Joḡān.

If any man showed any sign of disinclination to comply with these demands or if he were unable to do it, the maliks excommunicated him (সমাজ বন্ধ) and pro-

Method of enforcing these measures.

(a) Ex-communication—a ready-made magical wand.

claimed him an outcaste, forbidding all the tenants to have any social concern with him, on penalty of fines and ex-communication, etc. (exhibit 22). The barber was forbidden to shave him and the washerman was commanded not to wash his clothes. In this way, the poor helpless man passed his time, in the most awkward position of an outcaste, until he was able to satisfy the greedy demands of the māliks. This contrivance was a ready-made magical wand in the hands of the maliks to enforce any measures, however whimsical, rigorous and tyrannical that might be (*vide* exhibit 38).

(b) Attachment of property.

Sometimes the lands and other properties of the tenants were attached to enforce these measures (*vide* exhibits 38, 18, 44). Besides these abwabs there were others, e.g. tahuri, cess (at an enhanced rate), rosan, mohari, najar, bhāūdāri, etc. which had been assimilated into the rent, in such a way that most of the tenants had been paying them considering them as part and parcel of the rent and without knowing that they were paying some abwabs. Thus

Abwabs paid as part of the rent.

a tenant whose annual rent was Rs. 10 would say, when asked, that his annual rent was Rs. 13 or 14. For instance, we may refer to the following khākhālāshi mortgage-deeds wherein the executors stated the annual amount payable to the landlords as rent :—

Proof. (1) Mauzā Patuākhālī, khatian No. 81, actual rent with cess Rs. 48-13-3; wordings in the document—. . . “আমার

মালেক সরকারে নিম্ন তপশীলের সমস্ত সদর খাজনা অর্থাৎ মায় খরচা মায়ুলীসহ ঠিক ৫১, এক পঞ্চাশ টাকা আদায় করিয়া আদায়কারী দাখিলা আনিয়া আমাকে দিবেন কি শুজরাইবেন।” . . .

Vide deed No. 114 for 1912, registered on 17th April 1912 at Patuākhālī (registered in Book No. I, Volume 14, pages 91—93).

(2) Mauzā Kālibāri, khatian No. 36. Rent with cess Rs. 36.

This holding was mortgaged to Dinally and others by Meherally and others on 23rd January 1907 by a document (No. 93 of 1907, registered in Book No. I, Volume 14, pages 22—23), in which there is a stipulation that the mortgagees should pay Rs. 48 annually to the landlord as rent with all kharchas, as usual, and produce the dākhilās to the mortgagors.

(3) [*Vide* exhibits 1, 2, 5, 6, 7, 8, 9, 10 and 11, 11A, 11B, 11C, 12, 13, 14, 30A, 31, 32, 33—35E.]

(4) *Vide* notes on khatians.

Thus it is quite evident that though the maliks had been showing that they had not enhanced rent since 1287 (the time of the previous settlement), in actuality it had been enhanced to a great extent and that the enhanced portion had been kept concealed from the Government, perhaps for the following reasons :—

(1) To evade the danger of illegal enhancement;

(2) to evade the payment of a higher revenue because, the increment in the assets would necessarily involve an increment in the revenue.

Besides these there was another process of making money. The maliks here demanded rent in four kists instead of two as recognised by Government, and the arrear of

Interest.

any of these kists was charged with an interest of Rs. 25 to 50 per cent. in the next kist and, if not paid up at that time, it was realised with compound interest at the above rate.

THE STATE OF AFFAIRS AFTER THE SEPTEMBER OF 1911.

If we look into the conduct of the maliks of these places, after they got the settlement in 1911 for a period of 15 years, we can see that their practice of realising abwabs, chāndās and sādianā, etc., and their attitude and treatment towards the tenants have not been altered in any way in the least. They have been realising the same sorts of abwabs as they used to do during the previous settlement, and they have been still exercising their despotic influence over the tenants here, in utter contradiction to the solemn pledges they have given to the Government in their new kabuliats. Now we treat with the matter mauzā by mauzā dealing with the incidents which took place within a short period of one year after the present settlement :

MAUZĀ PATUĀKHĀLĪ, ESTATE No. 4645.

Settlement-holder—Babu Durgā Prosanna Roy.

We give below a list of the headings under which abwabs are being collected as before. Most of the tenants cannot specify these items of abwabs and they have been paying rents at the old rates and that's all (*vide* page 11).

Abwabs.

We have gathered these items from the statements of peādās and mridhās, etc., who are the local agents of the maliks—

1. Nazar—Rs. 4 per jama.
2. Cess—1 anna per rupee.
3. Tabāri—1 anna per rupee.
4. Rosan—1 anna per kura of land (Rent of one kura=Rs. 5).
5. Bhāndāri and mohari—from 12 annas to Re. 1-12 per jama.
6. Cost for dākhilā—2 annas per jamā (*vide* deposition book, pages 4, 5, 13).

(1) *Exhibits 1 and 2.*—These are the two hissābs granted to Titai Peādā by the nāib for the year 1318. Exhibit No. 1 will show that there is an arrear of Rs. 36-1-6 pies for 1318, for which arrear no dākhilā has been

granted.

We see that the tenant owes Rs. 111-14-3 annually to the malik including legal cess, for khatians 62, 43, 75, 164 and 224; but the hissab for Bhādra (exhibit 2) shows that he is to pay Rs. 33-11-6 in kist Bhādra, and that for Pous (exhibit 1) shows that he is to pay Rs. 122-9-6 in kist Pous, in total he requires to pay Rs. 156-5 annually including the abwabs under the above heads.

(2) *Exhibits 7, 8, 9.*—These are the hissābs granted to Otaraddi Mridhā (the most influential mridhā of the malik), who holds a number of jamas under the maliks (with three more co-sharers) which have all been specified in these hissābs, showing the amounts payable by each one of the four co-sharers for each jamā.

Of these Nos. 7 and 8 refer to year 1317 for kists Pous and Bhādra, respectively, and they are duly signed by the nāib, while No. 9 refers to year 1318 for kist Pous. From a comparison of exhibits 7 and 9 we see that there has been no alteration in the amount payable annually in kist Pous. The tenants did not produce the hissāb for kist Bhādra of 1318; but they produced those of each one of the co-sharer tenants (exhibit 10), which, when compared against the hissab of 1317 for kist Bhādra (exhibit 8) show that the hissāb for Bhādra 1318 was identical with exhibit 8. We may verify also the separate hissābs for kist Pous, of each one of the four co sharers (exhibit 11) with exhibit 9.

From these hissābs we see that these tenants pay Rs. 93-9-3 pies in Bhādra and Rs. 331-8 in Pous in total Rs. 424-15-3 pies annually including kharchas, while they really owe Rs. 347-15 as rent (for khatians 31, 137, 205, 10, 168, 180, 58, 72, 215, 169, 181, 223, 3, 38, 105, 147, 11, 103 and 4 annas share of 5, 130, 142) and Rs. 10-14 as cess, in total Rs. 358-13 annually. Thus they pay an abwab of Rs. 66-4-3, annually as part of their jamās. In this connection *vide* statement book, last page, and deposition book page 15.

N.B.—The originals of exhibits 9, 10, 11 were produced before us, and we were obliged to retain copies of them, as the tenants did not part with them, saying that they would be required to produce them before the tahsildar at the time of the next payment, (*vide* deposition book, page 15).

(3) *Exhibit 4*.—This is a *parkhāi* granted to Tazumaddi P'eādā in 1318. In this *parkhāi* the naib (Binod Behari Roy Chaudhury) credited Rs. 7 to his account under the description of "rosan" which is realised from the tenants.

(4) *Exhibits 5 and 6*.—These are the old hisabs which go to prove the existence of the abwabs.

(5) The deposition of tenants which we have written down in each case and which has been signed by the persons deposing amply proves that abwabs are being realised as before without any abatement or alteration (see page 11 and the statement and deposition books).

A general chāndā of Re. 1 to Rs. 5 per head was realised from almost all the tenants in the months of Baisāk and Jaiṣṭha 1319 on the occasion of the marriage of Durgā Prosanna Roy's younger son under the description of

Chanda.

"ব্যবহার।"

Vide—

- (1) Exhibit 11, pages 2, 3, 4, 5, portion marked "b" in blue.
- (2) Exhibit 1 (item marked "b" in blue).
- (3) Depositions and statements on khatīāns 2, 6, 14, 17, 20, 22, 24, 30, 49, 66, 61, 69, 77, 80, 81, 84, 85, 127, 217, etc.
- (4) *Vide* exhibit 4th also.

Sādīnā.

Sādīnā were realised in 1318 as usual—

- (1) *Vide* statements and deposition on khatīāns 24, 29, 32, 54, 77, etc.

- (2) *Vide* exhibit 9 (marked "S" in blue)—

"বাবদ সাদিনানের বাকী আহেরদি মুখার নিকা।"

- (3) *Vide* exhibit 11 (page 3, marked "S" in blue).
- (4) *Vide* exhibit 3—

শ্রী গোলাম হোসেন তালুকদার স্মরণেতে। যেহেতু তোমার কন্যার শুভ বিবাহের রাজমান সাদিনান। অদ্য তারিখ সরকারে আমার নিকট দাখিল করিলাম। ইতি ১৩১৮ সাল, ২রা চৈত্র।

(Sd.) বিনোদ বিহারী রায় চৌধুরী, নায়েব।"

Fines.

(1) Salemaddi was fined Rs. 5 in the month of Māgh of 1318 as he snatched away the nara (straw) from Rakmān who cut it in Salemaddi's field. Rupees 2 were realised.

(2) Sabdar Mālīk brought a criminal case against Jobber Mālīk (who was against the malik) at the instigation of the naib, and afterwards, through the mediations of Foizar Mridhā, he compromised the case. The malik became enraged and fined Sabdar Rs. 25, which amount has afterwards been minimised to Rs. 10. The amount has not yet been paid and Foizar has stood in as a security for the sum and signed the roll of fines kept at the house of the landlord, in Asar 1319.

(3) Kishore Changa was fined Rs. 10 for quarreling with Adoo Goldar in Pous 1318 B. S.

(4) Akub Boyati's widow Sabjan Bibi, and his son-in-law's brother, Sāberaddi, have been fined Rs. 50 each for not allowing another son-in-law of Akub Boyati (husband of Akub's daughter by another wife) to take possession of a part of Akub's property, who got permission from the malik to do it, on payment of Rs. 30 as najar.

Bhet.

Bhet is exacted at the time of Durgā Puja and Nabanna from a number of persons at the following rates (deposed by every body of the mauzā):—

During Durgā Puja—

শশা—১টা
নারিকেল—১জোড়া
কুমড়া—১টা
তহরি—১ পয়সা

During Nabanna—

কৈয়াছ—১০টা
শকুল মাছ—২টা
বাগুর মাছ—২টা
চেঙ্গ মাছ—১০টা
নারিকেল—১টা

Besides this the tenants are required to supply the requisition of milk, curd and goat and fish from time to time.

Custom of withholding dakhila.

In this mauzā it seems to be a common practice to grant only parkhāis, even when the rent has been paid in full, and in most of them the amount paid is not mentioned, *s.g.*—

শ্রীবাবর জান চাকর। তোমার বর্তমান সনের সমস্ত টাকা বুঝিয়া পাইলাম। ইতি ১৩১৮। ১৩ই বৈশাখ।

See statement in khatian 21).

We have taken copies of a good many parkhāis of this nature in the statement book of khatīāns. These parkhāis are granted in very rough papers and sometimes are written very carelessly, and they are never stamped, *vide* notes on khatīāns 7, 9, 12, 13, 17, 20, 21, 23, 29, 37, 39, 45, 54, 64, 66, 69, 94, 96, 101, 151, 196, 208, etc.

No dakhila and parkhai allowed on plea of part-payment and others.

- (1) *Vide* notes on khatīāns 60, 62, 95, 155, 160, 161, 221, etc.
- (2) *Vide* exhibit 5.

MARICH BONIA No. 2940, ESTATE No. 4552.

Settlement holder—Babu Bisheswar Roy.

Babu Bisheswar Roy Chowdhury of Kalashkāti is the landlord of this mauzā, of Pakshya, Girākhali and of part of Bāzarghonā and Kālībāri. This man is the most influential of the whole lot of

settlement holders. His demands are more exacting and his treatment is more severe than that of any other. Thus it is said that Marichbonia was a place whence every heading of abwabs and everycon- trivance became originated and gradually spread through the whole area till they became a common practice everywhere. But Marichbonia has kept up its speciality in this that the rate of abwabs is a little higher here than that of any other place. Thus it is seen that Marichbonia people grumbled much more than the people of any other mauza and, whenever any attempt was made to get rid of these tyranny and oppressions, it was headed by the people of Marichbonia, while the people of other places followed them, praying to God for their success.

But at present the state of Marichbonia seems to receive a peculiar turn. The unity of the people seems to be loosened. There have formed several parties in the mauza, headed by mridhās and māṭbars who are hostile to one another and they try to subdue their anti-parties by whatever way they can, and most of these parties seem to be outwardly friendly to the landlord, simply to gain their end and to put down the other parties by the assistance of the malik. But all the leaders of these parties, except Yakub Mridhā, eagerly look for an enfranchisement from the tyrannical and exacting yoke of the landlord, though at present they seem to hesitate to wound the feelings of the landlord by divulging the truth. Of these leaders, Yakub Mridhā, Rajjab Mridhā and Khosāl Khān Jamādār may be mentioned. Yakub Mridhā, who is a staunch and blind supporter of the landlord, has got some 40 families at his command; and this man clings to the side of the landlord, more for his selfish and personal interests than for any other reason. He is a tahsildar of Girābārī under Bisheswar Babuland a favourite mridhā of his; and by these means he earns a large sum annually. Thus it is most natural that an illiterate man like him, can have no more aspirations, and he must try to be in favour of the landlord so that his influence, etc., may remain intact. But the people under him are equally dissatisfied in heart with the landlord, as the rest of the villagers are and they are, as they say, unable to incur the wrath of the mridhā for fear of being maltreated. It has been observed that in presence of Yakub Mridhā many people denied before us the payment of legal cess even, but while the mridhā was away they returned and stated with tearful eyes that they could not dare to offend the mridhā by divulging the truth.

Rajjab Mridhā was a supporter of the cause of the tenants. But Bisheswar Babu managed, somehow or other, to take a bond from him for Rs. 1,000 in *Fālgoon* 1318, called *biswāse khat* without paying him anything; so that he may be faithful to, and adhere to the cause of, the landlord. So he cannot do anything which may prejudicially affect the landlord. This man has a large number of persons with him who are all dissatisfied at the oppressive measures of the landlord.

Khos Khān is a rich jamadār of Bisheswar Babu, who received this office some eight or nine years ago by paying him a *salāmī* of Rs. 900. This man has an extensive husbandry in the locality and he has got some men at his command. He gets a share of the rosan and sadiana, etc., and as a matter of fact he is ready to help the landlord in all his measures. Of these three men, Yakub Mridhā and Khosāl Khān are on friendly terms, while they are hostile to Rajjab Mridhā.

Besides these, there have sprung forth a few other men (e.g., Maneraddi Ākan, Aheraddi, Āzgar Mridhā and others) quite hostile to one another and having a number of men at each one's command.

The tenants under all these māṭbars and mridhās seem to have lost all their personality and independence, and to have become mere tools in the hands of their respective leaders. But all the tenants as has been remarked above, are really aggrieved persons, and they lament their condition in utter despondency and silence and that is all. They cannot bear any longer the extortions and rigorous measure of the landlords, nor can they attempt to seek for remedy and redress for fear that their safety and security may be affected.

Moreover, some recent incidents have thrown much dejection among the tenants. Some 13 cases were instituted against the landlords under section 53, Bengal Tenancy Act, but all of them were cancelled by the Subdivisional Officer, Patuākhālī (as they say), for their non-attendance in time. Again, the landlord has obtained rent decrees against many of the tenants who were against him and the decreed amount has not been paid as yet (some being ejected); while others have executed kistibandi-bonds for arrears of rent who, as a custom, will not be granted dākhilās unless the kistibandi-bonds have been paid off. It may be remarked here that a few of the tenants were ejected through court with much zulūm (e.g., setting fire to the house, etc.).

Abwabs have been being collected as usual under the following heads as part of the jamās (vide page 11). This list of abwabs has been prepared according to the statement of peādās, mridhās and māṭbars of the village—

	Rs. A. P.		Rs. A. P.
(1) Cess	... 0 1 3 per rupee.	(6) Mohari	... 1 0 0 per jama.
(2) Rosan	... 0 1 3 "	(7) Hāldāri	... 1 8 0 "
(3) Tahuri	... 0 1 0 "	(8) Dākhilā kharcha	... 0 4 6 "
(4) Khod najar	... 2 0 0 per jama.	(9) Bhet	... 0 4 6 "
(5) Naib najar	... 2 0 0 "	(10) Bhāndāri	... 0 4 6 "

Vide (1) Exhibits Nos. 31, 32, 33.

(2) Written statement of Taherkhān panchayet, deposition book, page 5.

(3) Notes on khatians 74, etc.

The majority of the tenants cannot specify the items of abwabs, though they have been paying them as part of their jamās (see page 11).

Vide (1) Notes on khatians 164, 324, 321, etc.; and

(2) Exhibits 34, 35 and 36 (a).

A general chanda of Rs. 4 per jama was realized in *Fālgoon* 1318 on the occasion of Bisweswar

Chāndā. Babu's son's arrival at Patuākhālī. The chanda was demanded at first at the rate of Rs. 2 per jamā, but after the conversion of Rajjab Mridhā to the landlord's side, he showed his enthusiasm and attachment to the malik by offering it at the rate of Rs. 4 and realising the same at that rate. In all other mahals (Pakshya, Gerākhālī, Bazar-ghonā, etc.) this chanda was generally realized at the rate of Rs. 2 per jamā (vide deposition and statement on khatians 3, 31, 72, 114, 161, 168, 178, 177, 300, 318, etc.).

Sadianā is generally realized at the rate of Rs. 18 for daughter's marriage and Rs. 17 for son's marriage and at times some favour is shown to some, and it is realized at a low rate:—

Realizations in 1318 and 1319—

- (1) Rupees 30 realised from Āli Mahmud in *Baisāk* 1319 (vide Exhibits 3^d and 37).
- (2) Āpeluddin paid Rs. 7 in *Agrahyan* 1318, for the marriage of his brother-in-law.
- (3) Ente Āli did not pay sadiana, so he was confined (vide deposition book, page 9).
- (4) Vide notes on khatian 243.

The chartered mollahs are Rajjab Ali Mridhā, Gafar Ally and Kushai Bhuia
 Dākhilās are generally withheld for part-payment and for non-payment of abwabs—
Vide notes on khatians 3, 8, 53, 57, 116 (8), 139, 219, 227, 242, 300, 313, 340, 341, 360, 371, etc.
Vide exhibit, No. 35.

PAKSHYA No. 2928, ESTATE No. 4607.

GERAKHALI No. 2927, ESTATE No. 4660.

As these two mauzās belong to Babu Bisweswar Ray they share the fate of Marichbonia in almost all its details.

Abwabs are realized under the following heads (deposed by peādās, mridhās and other people of the mauzās) *vide* exhibits Nos. 40 and 41, and page 11 :—

	Rs. a.
(1) Pathkar—1 anna per rupee.	...
(2) Tahuri—one anna per rupee.	2 0 per jama.
(3) Bosan—3 pies per rupee.	1 0 "
(4) Mohari. For a jama—	...
Of Rs. 1—10 = 4 annas.	0 4 "
Of Rs. 11—19 = 8 annas.	0 4 "
Of Rs. 20—29 = 12 annas.	0 2 "
Of Rs. 30—upwards = 1 rupee.	0 2 "
(5) Naib najar	...
(6) Khod najar	...
(7) Jagadhatri Pujā	...
(8) Bhet	...
(9) Dākhilā	...
(10) Stamp	...
(11) Hāldāri	...

A general chanda of Rs. 2 per jamā was realised in Fālgoon 1318 on the occasion of the arrival of Bisweswar Babu's sons at Patuākhali (*vide* exhibits Nos. 40 and 41.)

See page 23.

Sadiana.

The following sadianas were realized in 1318 and 1319 :—

MAUZĀ PAKSHYA.

	Amount Rs.
(1) Hari Charan Sepai	...
(2) For the marriage of Kali Charan Baklā	...
1318 { (3) From Meherally for his brother's marriage	...
(4) From Arshad Ali for his daughter's marriage and Rs. 5 still due	5
(5) From Maheraddi for his son's marriage	...
1319 { (6) From Imamaddi son of Karimaddi, for his brother's marriage	9
Baisāk. { (7) From Tazaluddin for his nephew's marriage	...

MAUZĀ GIRAKHALI.

- (1) From Mālgāzi for his daughter's marriage in Fālgoon 1318 ... 9
- (2) From Somedāli for his son's marriage in Agrahayan 1318 ... 9
- (3) From Rupai for his daughter's marriage in Agrahayan 1318 ... 10
- (4) From Asakāli for the marriage of his sister in 1318 ... 10

Witnesses—Meajān Hāolādār, Adoo Chowkidār, Somed Ali Hāolādār and Umar Ali of Gerākhali.

Arshed Ali Hāzi, Aneraddi Musalman, Ohad Ali Chowkidār and Ali Rājā Munshi of Pakshya.

There was a quarrel between Rahim Khān of Gerākhali and Messer Ali. The mālik sided with Messer Ali and took Rs. 47 from him as nazar and excommunicated Rahim.

Excommunication. Khan in Chaitra 1318 (*vide* notes on khatian 19 of Girakhali).

Nakul Seal (a minor) is the brother of one Laksmimoni. They have been living together in their paternal house in the same mess from the lifetime of their father, who died some six or seven years ago. Their mother left the house in the month of Baisāk 1319. Now the naib of Pakshya entocherry has taken away most of their land and let that out to Jamiraddi, Arāj Ali, Rahim Khān and others in thikkā jamā for one year, on plea that Nakul is a minor who has nothing to do with the land and Laksmimoni has no right in the property. The naib also sold away the paddy of Laksmimoni's house (when her mother left the house as a Musalman) through Tilak Seal and his peadas and mridhas at Rs. 17.

Fines. (1) Nādo, son of Intoo of Pakshya, was fined Rs. 25 for quarrelling with his step-mother.
 (2) Asakāli of Girakhali was fined Rs. 10 (of which Rs. 6 has been realized) for failing to invite the peadas and mridhās to the marriage festival of his sister in 1318 *vide* exhibit 43.

Pakshya.—Dākhilās withheld for non-payment of fine, *vide* notes on khatians 22 and 66 (8) [*vide* exhibit 43 (khatian 56)]. Gerākhali.—Dākhilās withheld for part-payment (*vide* notes on khatians 2 and 12).

Dākhilā withheld.

CHĀLITĀBONĪ No. 2131, ESTATE No. 4690.

Babu Dargā Prasanna Roy of Kalashkāti is the sole landlord of this place, so this mauzā shares the fate of Patuākhali (*see* page 13) in almost all its details.

Abwabs. Abwabs are being realized as usual as part of the rent, *see* pages 11 and 14. Bhet has been converted into money, and it is realized with rent (*vide* exhibit 47).

Chāndā. A general chāndā of Rs. 2 to Rs. 5 was realized from almost all the tenants under the description of “*ਧਰਤੀ*” (*see* page 16).

- (1) *Vide* exhibit 46.
- (2) „ Notes on khatian 11.

Sādianā.

Sādianā was realized in the following cases in 1318 and 1319:—

	1318.	Re. a.
(1) For the marriage of Rupai Poyati's daughter	...	8 4
(2) Ditto of Rafik Fakir's daughter	...	8 4
(3) Ditto of Nil Khan's son	...	8 4
	1319.	
(4) For the marriage of younger brother of Ibrahim	...	8 4
(5) Ditto of the niece of Rahim Gazi	...	9 4

The latter two cases were paid to Hingoo Mridhā, as no other agent for the malik was present at the place.

Dakhila withheld.

Dakhilā are withheld for part-payment and arrears, etc.—

Vide (1) Notes on khatians 7, 13, 16, 43 (B).

(2) Exhibit 45—

“বঃ মহেরদ্দি দিঃ মহম্মদ আবুল হোসন ফকির, প্রতি আগে জানিবা। তোমার দেনা ১৩১৮ সালের খাজনার হিসাবের সমস্ত পাইয়া তোমার হিসাবে জমা করা গেল, ১৩১৬ সনের ও ১৩১৭ সনের বকেয়া খাজনা ও কিস্তি বন্দীর টাকা বাকী থাকায় দাখিলা হইল না। ইতি ১৩১৮ সাল।

(Sd.) অম্বিনী কুমার চক্রবর্তী। (Khatian 7.)

(3) Vide notes on khatian 60—

“বঃ আলমগাজি গং প্রতি আগে জানিবা। তোমার দেনা চালিতা বুনিয়া নছরদ্দি হাওলাদারের সজের সরিকি জমায় তোমাদের অংশের ১৩১৮ সালের পৌষ তলবের খাজনা ঋণ চ পাইয়া তোমাদের নামে জমা করা গেল। ইতি ১৩১৮ সাল।

(Sd.) অম্বিনী কুমার চক্রবর্তী, নামেব।

“বঃ আলমগাজি প্রতি আগে জানিবা। তোমার নছরদ্দি হাওলাদারের সজের চালিতা বুনিয়া জমার ১৩১৬। ১৩১৭ সালের হাল বকেয়া খাজনা পাইয়া জমা করিয়া লওয়া গেল। ১৩১৭ সাল।

(Sd.) অম্বিনী কুমার চক্রবর্তী, নামেব।”

For mauzas Bāzarghouā, Kālibāri, Gerākhāli (2227) and Hāzikhāli, see Maulvi S. Abdullah's report.

It is generally observed that the people of the place are all dissatisfied with their landlords, and they have sufficient ground and reason for their being so. They can expect no good from these maliks, nor can they remember any instance when the landlords showed the signs of any disinterested motive. Every act of theirs, in respect to these places, from beginning to the present, were directed to the fulfilment of their selfish designs of money-making. The tenants see that they have lost their voice even in their private affairs (vide Exhibit 15). It is the landlord who will dictate who will inherit the property of a deceased, and it is he who will decide who will be married to whom. The landlords interfere with the social and religious matters as well; they select the village mollāh (see page 7) on receipt of a salāmi from the man so selected and the social gradations of position are entirely in their hands (see pages 4 and 5). A man climbs up to the higher and higher stages of social ladder as he pays larger and larger amounts of salāmi; and the mass people are considered and treated to be mere savage menials for the landlords and their chartered aristocrats.

The poor tenants have realized by bitter experience that they have no right in their property nor is it certain that their heirs will inherit their property after their death—there being every probability of their property being declared fouti and its going to the highest bidder of salāmi (see page 8). They work on their fields throughout the whole year and at the harvest season they see that almost all their produce has been sold up to meet the demands of the maliks. Not only that, at every moment they have a fear of being fined, excommunicated, and their lands being attached, etc. The tenants are fully conscious of their position, and they feel that they are mere serfs working day and night, on the fields of their farmers (maliks), who simply look to their own interests. Thus it is no wonder if we see that the tenants have been harbouring a sort of clandestine dissatisfaction and apathy towards the landlords, sealed up by manifold apprehensions, threats and menaces. They even do not dare to speak out their hearts for fear of incurring the danger of offending their landlords. Thus we see that they honour the maliks out of fear, and they do not speak ill of them (which is divulging the truth) out of the apprehension of being put to an imminent danger. Spontaneous overflow of love and respect to their landlords does never come out of their hearts, but on the contrary they always pray for their decline and ruin in silence.

It is observed also that the tenants made several attempts to get rid of these landlords, but unfortunately they failed in all of them; and this failure is not ascribable to the groundlessness of their cause, but to their inability as contrasted with the vast influence of their big landlords to set the matter to the Government in a proper way. In fact, hardly any year passes when there has not been any outburst of dissatisfaction of the tenants, in some part or other, and the landlords subdue these refractory ones by the various machinations mentioned above. (The recent revolt in Marichbonia has been subdued by good many rent-decrees and a few ejectments).

The tenants expected very eagerly the results of the present settlement, and they really cherished a firm hope that they would be placed in a better footing under the contracts of the new kabuliats. But now, when they see that the landlord have been violating with impunity the solemn pledges they have given to the Government for dealing with them lawfully, and that they have been treating them just in the same way, as they did before, they have become quite despondent and dejected, and come to a conclusion that there is no redress to their grievances, and there is no future for them. Thus it has been observed that the tenants do not express their grievances to a new-comer, but after some acquaintance has been made each one of the tenants, when asked, would relate his sad tale, with tearful eyes, remarking very often, that there is no remedy to their grievances, and they do not like to incur the displeasure of the landlords any more by expressing the truth which, perhaps, would bring them no good.

Despondency and its cause.

Complaint will bring the tenants no good.

After the record-of-rights had been prepared some tenants of Kālibāri and Bāzārghonā, etc., offered the recorded rent to the proprietors, but they did not accept it. Even the Subdivisional Officer and the Assistant Superintendent of Police of Patuākhālī went to the Kālibāri cutcherry and asked the maliks to accept the rent without abwabs, but they refused. After that, the tenants moved the Sub-divisional Officer to call upon the maliks to accept rent under the provisions of section 55, Bengal Tenancy Act, and grant them dākhilās.

Malika refuse to accept rent without abwabs.

It was disposed of by Babu D. M. Sen, Deputy Collector, Patuākhālī, on 25th April 1912 with the following order:—

“Some of the tenants whose names are enumerated in the list are willing to pay their rent, but the landlord’s agent is unwilling to accept the rent. There is no provision in the law empowering this court to compel the latter to take the rent. The tenants should proceed in the competent court. File.”

The rent of these tenants has not yet been accepted. In the above case the maliks filed an arrear sheet, showing some arrear, for which many tenants have got dākhilās and parkhais (*vide* Maulvi S. Abdullah’s report).

APPENDIX XVIII.

REPORT OF MAULVI SHEIKH ABDULLAH, REVENUE OFFICER, DATED 3RD OCTOBER 1912.

Introduction.

BEFORE we give an account of the various sorts of oppressions which the maliks exercise in the Marichbonia group of estates, it is necessary to give a brief history of the events and circumstances which gave rise to the present calamitous state of things. Avarice is the characteristic of the landlords and money is their deity. There is nothing on earth which can dissuade them from following a project that can carry money (*vide* exhibit 15). They have become accustomed to those ill-practices, and the events of 1918 B. S. show that a mere stipulation in the kabuliat has failed from saving the unfortunate tenants from the tyranny of the landlords.

Prior to the settlement of 1287 the tenants of Kālibāri, Bāzārghonā, etc., unable to bear the tyranny of the landlords made an agitation to save themselves from the oppression of the maliks. But they were placed in utmost danger and dismay when the settlement was again granted in 1287 for 30 years. Most of the tenants, through fear of the landlords, left the cursed manzās in a body with all their wives and children, cattle and household furniture. Some returned later and were allowed to settle in the manzā again, on payment of salāmi and on execution of new kabuliats at enhanced rates of rent.

Thus in the beginning of the last settlement the tenants were in a most humiliated condition. Those among them who bore an independent type of mind were brought to unconditional surrender. While, on the other hand, the landlords in order to place their power on a firm footing invented a contrivance to keep the tenants under unquestioned sway. They enlisted into their services the most influential men among the tenants as mridhās, peādās, mollāhs, jamādārs, etc., and allowed them a share of the abwabs, sādianās or marriage najar, etc., collected from the tenants (exhibit 4). Thus these mridhās, etc., gradually became an instrument in the hands of their landlords to oppress their own brethren. They were authorised by their landlords to arrest any man who commit any offence and to send them to their maliks for trial. The tenants were to show special honour to the mridhās, peādās, etc., and any failure was immediately and severely dealt with by the landlords. At the marriage of one’s son or daughter the father must invite the mridhā with several pans and suparees (betel leaves and betelnuts) as a token of honour. Thus a position and status was secured for these officials by the landlords, and the post gradually became the aim and object of ambition of the most influential men among the tenants. Here the landlords found another golden opportunity of making money and the post began to be offered to those who paid the biggest salāmi.

Gradually the landlords got an unbounded influence over the social affairs of the tenants. Now marriages cannot be celebrated without the permission of the landlords and without the payment of sadiana or marriage najar (*vide* exhibits 3 and 11B.). There are stipulations even in the kabuliats to give sadiana to the landlords and the tenants have been compelled to promise in them “শাদিয়ানা হাভলতা ঐয় স্বহৃদ দিব” (*vide* our last report). The sacred functions connected with marriages is to be performed only by the mollāh appointed by the landlords. These mollāhs secure their post on payment of salāmi, and besides the fee they get from the parties they think themselves to have acquired a post of honour through the agency of the landlords and thus became a jealous supporter of them. Among the present mollāhs appointed by the landlord we may mention Fazar Āli Mridhā of Patuākhālī, Jamaraddi Matabbar of Kālibāri-Bāzārghonā, Rojjobāl Mridhā of Marich Bonia, etc.

Another policy which the landlords adopt in keeping the influential men among the tenants under control is the granting of bhalomānushi or mātabbari sanads on them on receipt of lump-sum najar. The privileges which these sanad-holders get are the following:—

- (1) They are allowed to wear shoes.
- (2) They can use palanquins and big umbrellas at times of marriage.

- (3) They are allowed to sit on gālichā or carpets on occasions of marriage or any other social gathering.
- (4) They are exempted from giving "bhet" (see page 7) and begar (see page 7).
- (5) If specially permitted they get a share of the sadiana or marriage najar, e.g., Horai Gaz Matabbar gets a najar of annas 8 for every case of marriage in mauzā Patuākhālī.

If any tenant does not carry out the command of his landlord or refuses to pay a sadiana, a fine or any of the abwabs, he is at once excommunicated from his society. The barber is forbidden to shave him, and the washerman to wash his clothes. He finds it impossible to give their sons or daughters in marriage. The poor creature finds himself in a helpless and humiliated condition and begins, to frequent in the cutcherry and the landlord's bari and ultimately gets release from the restrictions on payment of a fine.

The landlords also try all local criminal and civil cases, and inflict punishment on culprits by compelling them to pay a fine or excommunicating them. Their chief object in trying these cases is not to redress the grievances of the weak and the injured, but to make money anyhow in the name of justice (vide page 17).

It is often the custom of the landlords to let out part or the whole of one's holding to another on receipt of salami (vide exhibit 16 and page 17 of this report). Agsin if a relative and co-sharer of a tenant dies, his share is declared "futi" (i.e., dead) and is leased out to others on receipt of salāmi. Thus if a brother of a tenant dies, he cannot inherit the property of his brother unless she pays a najar to the landlords (vide the note in connexion with K. 65 of mauzā Kālibāri).

At the time of the collection of rent, the landlords realize various sorts of abwabs under the denominations of tahāri, bhet, nāib najar, khod najar, roshan, dākhilā kharcha, etc. The amount of abwab paid by each tenant in 1318 has been shown in the statements prepared by us, and it may be seen that they generally become an average of about one-fourth of the actual rent (vide exhibits 1, 2, 7, 8, 9, 12, 13). The landlords however find no difficulty in realizing the abwabs as they are supported by their mridhās, peādās, jamadārs, Mollāhs, etc., and as the tenants are afraid of the magic powers of fine, excommunication and eviction. Again dākhilās are withheld generally until all the items of abwabs are fully realised, including marriage najar, fine, etc.

The tenants are to reach the landlord's house at the time of Durga Pujā and Nabanna one cucumber, one gourd and two coconuts per head. The mridhās, peādās and matabbars are exempted from the payment of it.

The tenants who hold no office under the landlords, such as mridhās, peādās, etc., or who have received no matabbari sanad on payment of salāmi, are at times required to perform certain work gratis for their landlord, either in the local cutcherry or at the bari of the landlord. This sort of labour done gratis by the tenants is known as begār.

The tenants who give bhet and begar are also to reach jagan to their landlord's house. Jogan literally means to supply, and hence means that which is supplied to satisfy the demands of the landlords. On occasions of any marriage, first rice, puja or sradh ceremony in the landlord's bari, the maliks require goats, milk, curd, fish, plantain leaves, etc., from the tenants. The mridhās and peādās secure these articles from the tenants, and also supply themselves goats, etc., and then, send them to the landlord's bari by some of the tenants.

In order to meet the expenses of marriage, first rice, puja or sradh ceremony, etc., and of pleasure trips to Calcutta or Patuākhālī the landlord's agents are directed to collect subscriptions called chandās. Thus the tenants of Patuākhālī paid Re. 1 to Rs. 5 each in 1318 as chāndā for the marriage of the youngest son of Durga Prasanna Ray Chowdhury and paita (or sacred thread) of his grandson. Similarly the tenants of Marichbonia, Kālibāri and Bazarghonā paid Rs. 2 to Rs. 4 each as the chandā or najar for the pleasure trip of the sons of Bisheswar Roy Chowdhury to Patuākhālī in 1318.

In spite of the two kists for payment of rent recognised by Government the landlords enforce four kists for payment of rent and realize kist knelapi interest if the tenants fail to pay rent punctually in any of the four kists. The rate of interest generally levied is one-fourth to one-half of the actual rent due, and the extortion of these high interest is another source of income to the landlords. Dākhilās are not allowed until the interests are fully realized (vide the statement of Patuākhālī, notes on Khatān 54). A pārkā granted to the tenant states that owing to gollmils about the hissāb of interest no dākhilā was allowed. Here is the copy of the pārkā:

“শ্রী আকুব বরাতি হুজুরিতেষু জানিবা—

তোমার মালিকজারী দেমা হাল বকেয়া ১৩১৮ সালের বুখিয়া পাইলাম। হুদের টাকা ওজবে বাকী রহিলেক এবার নিষ্পত্তি হইলে দাখিলা পাইবেক। ইতি ১৩১৯। ১৬ই আষাঢ়।”

(Sd) বিনোদ বিহারী রায়চৌধুরী।

MAUZĀ BĀZĀRGHONĀ (29933), ESTATE No. 4648.

Settlement-holder—Upendra Nath Sen and others of Basanda.

Premier hāolādār—Bisheswar Ray Choudhury of Kalashkāti.

In the introduction a brief account has been given about the state of affairs prevailing in the estates under present enquiry. I shall now summarise the events that have happened in mauzā Bāzārghonā during the year 1318. It may be stated at the very outset that the landlords exercise all sorts of zulums even at the present time as they did previous to the present bundbast and that their ill-practices have not a little abated.

The different varieties of abwabs collected along with rent has been telling heavily on the tenants. The depositions given by them and the statements prepared by us will show clearly that the abwabs paid amounts to an average of about one-fourth of the actual rent. The different abwabs were collected under the following heads:—

- | | | | |
|-----------------|-----------------|----------------------|-------------------|
| (1) Khod najar, | (2) Nāib najar. | (3) Tahāri. | (4) Roshan. |
| (5) Āsmoni. | (6) Bhāndāri. | (7) Dākhilā kharcha. | (8) Bhet kharcha. |

(Vide exhibits No. 12, 13, 30, compare also page 22.)

The conclusive documentary proof as regards the collections of the abwabs is the real *amdāni* of the landlords which, however, we failed to obtain this time. We may mention the following *parkhāis* granted in 1318 which proves to some extent the collection of the abwabs Nos. 1, 12 and 13 :—

Similarly *vide* notes on *khātians* Nos. 18, 174 and 187.

We can cite another important though indirect proof as regards the collection of the abwabs. The tenants of *Bāzārghonā* and *Kālītārī* were willing to pay their rents during *Bhadra* kist of 1318, but the landlord's agents refused to accept rent without the abwabs. The tenants thereupon filed an application to the Collector in the month of *Kārtic* and the Subdivisional Officer and Assistant Superintendent of Police visited the *Kālībārī* cutchery by the middle of April 1912. On hearing of their arrival a number of tenants of both the *mauzas* came to the cutcherry with the amount of rent due from them, and prayed to the Subdivisional Officer to direct the landlord's agents to accept their rent in his presence. The landlord's agents and *Umesh Chandra Bose* and *Sarat Chandra Ghosh*, who are said to have been present on the occasion, refused to accept the rent in presence of the Sub-divisional Officer.

Dākhilās are generally granted at the end of each kist a few days before the leaving of the cutcherry by the landlords' agents. Hence in the *dākhilā*, the date of payment may be 30th *Chaitra*, while the money was really paid in *Pous*. But

dākhilās are generally granted to all the tenants who pay up the rent together with all the abwabs, najars, fines, marriage taxes, *chāndās*, etc., due from them. Rent-receipts, however, are generally withheld till all the abwabs, etc., are fully paid. *Dākhilās* of tenants, who disobey the landlords' commands, are generally withheld. Such cases have been noted in the statement of this *mauzā* in connexion with the notes on *khātians* 19, 24, 36, 27, 29, 66, 73, 81, 83, 91, 137, 141, 142, 164.

Failing to pay up their rent without abwabs (*see* page 14) the possessors of the following *khātians* did not pay rent in 1318 :—111, 113, 103, 114, 122, 125, 126, 129, 130, 133, 162, 212, 214, 215-219.

Marriage *najar* is no doubt a variety of *abwab* and there is a stipulation in the *kabuliats* executed by the tenants as regards the payment of it to their landlords (*vide* page 3). The amount of *najar* generally realized in *Upendra*

Babu's estate is Rs. 9 : where *Bisheswar Babu* and the *Shāhās*, etc., are *ejmali* landlords it is 9 + 3 = Rs. 12 and where *Bisheswar Babu* is the sole landlord it is Rs. 14-4.

In 1318, marriage *najar* has been realized from the following tenants :—

- (1) *Jonab Ali Shikdār* paid Rs. 8 to *Lalit Mukerjee*, naib of *Upendra Babu*, for the marriage of his nephew (*Kasim*) in *Baisākh* 1318 (*vide* his deposition in connexion with K. 17.)
- (2) *Mofizuddin*, brother of *Nur Sayed* *Gunshi*, was married in *Agrahayan* 1318. For this he had to pay a marriage *najar* of Re. 1 to *Aku mridhā*, Rs. 2 to *Hā'emali* and others, Rs. 5 to *Upendra Babu* and Rs. 13 to *Bisheswar Babu* (*vide* the deposition in connexion with K. 15).
- (3) *Romjan jamadar* paid Rs. 41 to naib *Satya Charan Roy* in *Pous* 1318 as marriage *najar* for the marriage of his two nephews and one niece (*vide* deposition, K. 74).
- (4) *Pashānullah* paid Rs. 5 as marriage *najar* for the marriage of his youngest son in *Baisākh* in 1319. Rupees 8 is said to be still due (*vide* deposition, K. 70).
- (5) *Forman* got his one son and two daughters married in *Agrahayan* 1318 and paid only Rs. 8 as *najar*, the remainder being still due (*vide* deposition, K. 18).
- (6) *Tomoraddi* paid Rs. 9 as marriage *najar* for the marriage for his son in *Falgun* 1318 (*vide* deposition, K. 160).
- (7) *Asmat Ali* paid Rs. 10 in 1318 as *sadiana* for the marriage of the daughter of his uncle.

The tenants are compelled to pay the *sadianas* and rent-receipts are withheld till they are fully paid.

Dākhilās withheld for failures to pay. We may cite two such recent cases in this *mauzā*—

- (1) The *dākhilā* of *Jaharaddi* was withheld, as he failed to pay *sādiānā* for the marriage of his daughter in *Ashar* and that of himself in *Ashwin* 1318.
- (2) *Dākhilā* of *Hossainuddin* was withheld as he failed to pay Rs. 12 due from him as marriage *najar* for the marriage of his son in *Magh* 1318.

The landlord of this *mauzā*, *Babu Upendra Nāth Sen*, tries all local civil and criminal cases, not with

Trying of cases by the landlord.

the intention of giving justice to the weak and the injured and of redressing the grievances of the aggrieved, but as a means of making money in the name of justice. The daughter-in-law of *Sabধান Boyali* of this *mauzā* eloped away with one *Sadar Ali* of *Patuakālī* in *Baisākh* 1318. The naib, *Lalit Kumar Maikhopadhyā*, wrote to the *mridhā* and *peada* of the place about it

Money, their chief aim.

and inquired how much the other party would pay to the landlord if the divorce of the woman can be secured [—“*ছবদন বরাতি যদি তাহাকে দেয় তবে সরকারে কি দিবক ঠিক করিবক*”—] (*vide* Exhibit 15).

In a case where quarrels arise between rival parties about any land, it is generally ordered either

Injunction, etc.

Dākhilās and *chaukidārs* mere tools in the hand of the landlord.

to be cultivated by a third party (*vide* exhibit 16) or the land is put under injunction (exhibits 18, 19). It will also be seen from these exhibits that the local *dafadars* and *chaukidārs* are mere tools in the hands of the landlords in carrying out their orders.

The village society is also under complete control of the landlord. Any person disobeying the command of the landlord is at once excommunicated. This is

Excommunication.

another magic weapon in the command of the landlords (*vide* exhibit 22).

One *Sonāgāzi Mridhā* lodged a complaint against *Karimoddin* and others. The naib wrote to

Recent trials of cases.

Amiraddi dafadar and others that if the complaint be a false one still *Karimoddin* and *Hossainoddi* should be sent up to *Upendra*

Babu, and that if they disobey the command they will be fined Rs. 50 each. Again it is ordered that if the defendants bring a suit against the said *Sonāgāzi*, then the addressee should arrange for securing witnesses against the defendants (*vide* exhibit 25).

Torāb Ali, son of *Kormān Kabirāj*, brought a criminal suit against *Sonāgāzi peādā*, and the suit was dismissed. *Upendra Babu* called upon *Torāb Ali* and fined him Rs. 50 for not lodging the complaint before him. Of the fine Rs. 7 was realised in *Falgun* 1318.

Sadar Ali, *Karimoddin*, *Dhaloo*, *Sonāgāzi peādā*, *Joy Chandra Dhupi* were fined respectively Rs. 7, Rs. 6, Rs. 5, Rs. 20, Rs. 5 in *Falgun* 1318 on a charge of abducting the daughter of *Kup Gāzi peādā* (*i.e.*, the daughter-in-law of *Sabধান Boyali* mentioned in exhibit 15). *Kālā Gāzi*, brother of *Kup Gāzi* was also fined Rs. 100 on a suspicion that it was through his machinations that his niece was abducted. The fine has not been realised as yet and so the *dākhilā* of *Kālā Gāzi* was withheld (*vide* notes on *khātians* 174, 189).

Āin Ali, son of *Padaraddin*, was excommunicated on a charge of adultery, but the order was subsequently cancelled on payment of a fine of Rs. 5 only in *Baisākh* 1318.

GERAKHĀLI (2926), ESTATE No. 4060.

The landlords of mauzās Bāzārghonā and Gerakhali (2926) are almost identical and the tenants of Gerakhali are treated in the same manner as those of Bāzārghonā (*vide* the deposition of the tenants and the statement of the mauzā prepared; and also exhibit 30A).

MAUZĀ PATUĀKHĀLI (2925), ESTATE No. 4645.

Settlement-holder—Durgā Prasanna Roy Chowdhury.

In this mauzā the realization of abwabs, sādiānā, chanda etc., is carried out by a systematic method not in any way inferior to that adopted by Bisheswar Babu. They are exacted with such policy and tactfulness that even the mridhās and peadās, who are the sole instrument in amassing money for their landlord by harassing their own brethren, are not exempted. The several items of abwabs are similar to those realized by the neighbouring landlords and are as follows:—

Naib najar	...	...	Rs. 4 per jama.
Khod najar	...	...	1 anna per rupee of rent.
Tahuri	...	...	1 anna per kura of land.
Roshan	...	...	Annas 12 to Re. 1-12 per jama according to the extensiveness of the holdings.
Bhāndāri and mohori	...	...	2 annas per jamā.
Dākhilā kharch	...	...

In proof of collection of abwabs we have obtained several "hissābs" allowed by the tahsildārs under their own signatures.

We have been compelled to take copies of several of them as the tenants require them urgently at the time of payment of rent—

- Exhibits 1 and 2* will show that the tenant Titāi peādā is to pay Rs. 3-11-6 during bādro kist and Rs. 122-9-6 during Pous kist including all kharchas while the actual rent and cess payable by him is Rs. 111-14-3 (khatians 43, 62, 76, 164, 224).
- Exhibit 4* shows a "parkhai" granted to Tazumuddin, peada in Jaistha 1318 B.S. In it we find that Rs. 7 due to Tazumuddin as roshan was credited to his rent account.
- Exhibits 5, 6, 11A and 11B* similarly go to prove the collection of abwabs. These were granted a few years ago, but the tenant is still to pay rent according to the hissāb or dāya dharā as it is called.
- Exhibits 7, 8, 9* show that the several co-sharer tenants (Otaruddi Mridhā and others) had to pay in 1318 Rs. 93-9-3 during Bhādro kist and Rs. 331-8 during Pous kist, i.e., Rs. 424-15-3 in all; while the legal rent and cess payable by the tenant is Rs. 347-15 + Rs. 10-14 (as cess)=Rs. 358-13. The abwabs thus paid becomes Rs. 66-4-3.

As regards verbal proof about the collection of the abwabs we may refer to the statement prepared by us and the depositions of the tenants with their signatures.

The collection of sādiānā or marriage najar is another source of income to the landlord (*vide* exhibit 11B). The mollah, who performs the sacred formalities of the marriage ceremony, is appointed by the landlord himself, and none but he can perform the ceremony. Fazar Ali Mollah is the mollah of this place, and he secured the function on payment of salami of Rs. 100. The sādiānā is generally paid to the naib or the landlord himself, who distribute subsequently to muhurris Mridhās, peādās, chowkidārs, mātabbars, etc., the shares due to them. The sādiānā for son's marriage is Rs. 18-4 and for daughters Rs. 12-12. Sometimes a receipt is granted for the payment of the sadiana, and I quote one, here below, granted in 1318:—

“*শ্রী গোলাম হোসেন তালুকদার হস্তাক্ষরে—*

যে হেতু তোমার কন্যার শুভ বিবাহের রাজমান্য সাদিয়ানা অদ্য তারিখ সরকারে আমার নিকট দাখিল করিল। ইতি ১৩১৮ সন। ২রা চৈত্র।” (*Vide* exhibit 3).

As regards further proof *vide* exhibit 9 (marked “S.” in blue) and exhibit 11, page 2 similarly marked.

Sadiana has been collected further in the following cases in 1318:—

- Razzub Ali paid Rs. 18-4 for the marriage of his son in Ashar 1318.
- Fazar Ali Mridhā paid Rs. 6 for the marriage of his two sons in 1318 (he is a mridhā and a mollah and so he is not required to pay that portion of the najar which is due to the mridhās, peādās, etc.).
- Ināmaddi chowkidar paid Rs. 3 part of the marriage najar for the marriage of his brother Alimaddi in Pous 1318 for the amount of sadiana still due from him; dākhilā has not been granted.
- Balak Chand paid Rs. 8 for the marriage of his two brothers in Ashar 1318.

Dākhilās have been withheld in the case of the possessors of the following khatians.

24, 62, 160 (*vide* notes on the khatians).

In the following cases dākhilās have not been allowed in cases of even full payment and only parkhais have been granted:—

(*Vide* the parkhais quoted in connexion with the notes on khatians 18, 23, 29, 101, etc.)
In the following cases no mention has been made in the parkhais of the amount paid by the tenants:—
(*Vide* the parkhais quoted in connexion with the notes on khatians 7, 9, 12, 21, 29, 39, etc.)

Chāndās are collected at times to meet the expenses of the landlord on occasions of marriage of any member of the family, paita or wearing of the sacred thread, first rice of the children, pilgrimage to sacred places, and so on. In 1318,

Re. 1 to Rs. 5 has been collected from the tenants according to their condition as chanda for the marriage of the youngest son of Durgā Prasanna Babu and paita of his grandson (*vide* exhibits 11, pages 2 1½, 1¼, ½ and exhibit 46; *vide* also the depositions of the tenants).

A few names of those who paid the *chanda* or “*कद्वान्न*” in 1318 are given below:— (List of 18 names, four at Rs. 5, Rs. 4 and Re. 1, three at Rs. 2 and Rs. 3, omitted.)

- (1) *Kushāi Changa* was fined Rs. 10 in Pous 1318, for quarrelling with *Ādoo Goldār*.
- (2) *Solemaddi* was fined Rs. 2 for not allowing *Rohman* to take away straw from the field of *Solemaddi* who snatched away the *nā-as* from *Rohmān*.
- (3) One *Sobdar Mallick* of this *mauzā* brought a criminal suit against *Jubbar Lāhiri* at the instance of the landlord. But subsequently they compromised the case among themselves at the advice of *Fazar Āli Mridhā* in *Ashar* 1317. Hence the *māliks* got angry with the said *Sabdar* and fined him Rs. 25. Subsequently the fine was reduced to Rs. 10, and *Fazar Āli Mridhā* became a surety for the payment of the same, and his signature was taken in a book of the *malik* in *Āshār* 1319.
- (4) There was a quarrel between the wife of one late *Ākub Boyāti* and one of her sons-in-law over the property left by *Ākub Boyāti*. The landlord took a *najar* of Rs. 30 from the son-in-law and ordered the *mridhas* and *peadas* to give him possession of the lands. But the wife of *Ākub Boyāti* with the assistance of the brother of her another son-in-law who resides in the same *bari* did not allow the *mridhas*, etc., to cultivate the lands. Hence both *Ākub's* wife and the brother of her son-in-law have been fined Rs. 50 each. The fine, however, has not been realized as yet.

Besides the above exactions the tenants are to reach the landlords house milk, curds, fish, plantain leaves, etc., as *jogans* on such occasions as *puja*, *nabanna*, marriage, etc., and they did so during the last *puja* and *nabanna*.

Jogans.

KALIBARI (2939), ESTATE No. 4614.

Settlement-holder—*Disheswar Roy Chowdhury* and others.

Bāzārghonā and *Kālibāri* are two adjacent *mauzās*, and the events that have happened in them during the year 1318 are almost similar. A number of tenants of *Bāzārghonā* refuse to pay *abwabs* both these *mauzās* refused to pay *abwabs* in 1318 and they insisted upon the agents of the landlords to accept the actual rent and cess due from them in presence of the Subdivisional Officer and Assistant Superintendent of Police (*vide* page 12). On the refusal of the agents to accept the rent they filed a suit at *Patuākhālī*, and a copy of the petition as well as of the order have been given on page 13. As a result of this affair the possessors of the following *khatīāns* did not pay rent in 1318:—

8, 18, 20, 24, 25, 26, 28, 30, 47, 48, 53, 59, 61, 63, 70, 110, 134, 138, 143, 147.

Abwabs, however, have been collected from the tenants, who paid their rent in the *cutocherry* (*vide* the notes on the *khatīāns* and the deposition of the tenants). Here the different items of *abwabs* are the same as in *Bāzārghonā*. The tenants know how much they have to pay each year including *abwabs*, and in mortgage deeds where the usufructuary mortgagee is to pay the rent of the holding, the amount of rent payable to the landlord is generally mentioned including the *abwabs* (e.g., the registered mortgage deed executed by *Meherāli* in favour of *Dene Āli* and others on 2nd January 1907; Book I, Volume 14, pages 22-23; No. 92 of 1907).

Withholding of *dākhilās*.

Dākhilās have been withheld of the *jamās* recorded in *khatīāns* 13, 19, 21, 22, 23, 34, 49, 51, 72, 74, 81, 92, 97, 112, 117, 122, 131, 133, 136.

Most of the tenants of this *mauzā* refrained from paying any marriage *najar* in 1318 as they did in the case of other *abwabs*. Only one case came to our notice, viz., that *Somiraddi Kāzi* paid Rs. 4-8 as part of the marriage *najar* due from him on account of the marriage of his nephew in *grahāṇ*; an 1318.

Marriage *najar* or *sūdiānā*.

Fouti.

One *Mādhabi Bewa* of this *mauzā* had a holding (*vide* K. 105). She is now dead and her son too, who has left a widow. The landlords do not allow the widow to enjoy the holding, and let it out to *Raj Kumār Sil* and *Hari Charan Sil* and granted them *dākhilā* in *Jaiṣṭha* 1319.

Eviction.

HAZIKHĀLI (2943).

Estate No. 4569.

Michael Gomez is the proprietor of estate No. 4569. The following *abwabs* are collected in his estates, and they have been realized in 1318 (*vide* exhibit 48):—

Abwabs.

- 1 *Khod najar*, 1 rupee.
- 2 As the landlord personally visited the *mauzā* in 1318, an additional *najar* 1 rupee.
- 3 *Nāib najar*, 1 rupee.
- 4 *Tahuri*, 1 anna per rupee of rent.
- 5 *Roshan*, 8 pies per rupee.
- 6 *Dākhilā kharchā*, 1 anna per *jamā*.
- 7 *Chāndā* or subscription for the education of the children of the landlord, ... 2 annas per rupee.
- 8 One fowl, each tenant.

Just as in other *mauzas* under enquiry here the landlords' agents do not regularly grant rent-receipts or statement of account, and during the collection in 1318 the possessors of the following *khatīāns* were not allowed rent-

receipts or *parkhāis* on plea of part-payment or arrears, or both:—

10, 13, 16, 17, 18, 19, 20, 37.

ATTITUDE OF THE TENANTS.

The different sorts of oppressions, to which the tenants of the *Marichbonia* group of estates are subject, have already been described. They cannot get a receipt for the rent paid till they fully pay up all the items of *abwabs* under the denominations of *nāib najar*, *khod najar*, *tahuri*, *bhāndāri haldari*, etc. They cannot give their sons or daughters in marriage without the permission of the land-

Continual oppression has placed the tenants in an abject condition.

lords and without the payment of the marriage najar called sādianā. If there be a marriage in the landlord's family, or if they go on a pleasure trip to Calcutta, etc., the poor tenants are compelled to pay a chanda to meet the expenses of their landlords. If there happens to be a possibility of getting a lump-sum najar, the māliks easily deprive the poor tenants of a part of their holding. At the time of the puja they carry cucumber, gourd and cocoanuts to their landlord's house; and whenever occasions arise they are to work there gratis. At the time of any jogan they are to gather milk, fish, etc., in the mauzā and take them to Kalashkāti. Under threatening commands of the landlords and under the masterly control of the peedas and mridhas, the tenants silently bear these oppressions. If any among them be a little annoyed and disobeys the unjust commands of the landlords, he is promptly rectified by the magic power of fines and excommunication. Even if these be unsuccessful, the landlords begin to take rent without granting dākhilās, and after a few years file a suit for the recovery of arrears of rents. If the tenants produce a parkhāi granted by the agents of the landlords, they simply deny them to be of their own making. Recently in course of the trial of a rent suit, a Marichbonia tenant produced a parkhāi granted by the landlord's agent. The agent simply denied to have granted them, and it was owing to the valuable depositions given by Babu Hara Kishore Biswas, Diara Deputy Collector, that those parkhāis were proved to be real and the landlords got a decree for Rs. 8 only, while they claimed about Rs. 270. But there becomes few such contested cases. The tenants generally remain unaware of the rent suits, the summons, etc., being not duly served; and they come to know of it when the decree is passed against them, or at the time when the landlords attempt to eject them through the assistance of the civil court peons. Seeing that in many cases parkhāis, and even rent-receipts allowed in forms generally available in the market, are not believed to be genuine by the courts, the tenants in most cases raise no objection to the claims made by the landlords and refrain from appearing in the courts. Subsequently they submit to whatever arrangement the landlords desire and generally execute a kistibandi bond for the decreed amount after paying in cash the abwabs, etc., due from them. In Marichbonia most of the refractory tenants who refuse to pay the abwabs, etc., have been brought under complete subjugation by the pressure of heavy rent decrees hanging over their head, while others have been compelled to execute kistibandi bonds for arrears of rent, or simple bond as security against any possibility of doing injury to the landlords.

The abject condition of even the most influential among them has compelled the common tenants to abandon any hope of opposing the landlords in their illegal extortions. When we ask them what are their grievances, what abwabs, sadiana or fine they have paid, they simply try to evade these questions. We gave them a solemn pledge that we should not inform the landlords about what they said and then they began to tell us that as the Government has again granted a lease for 15 years there was no good of laying their grievances before us, as that would simply excite the wrath of their landlords and they would be subjected to additional oppressions. Later on, however, believing in our good motive, most of them laid bare before us the burnings of their heart and expressed to us in pathetic tones that while they could not say the truth through the fear of the landlords, they always prayed in silence for instantaneous destructions of their oppressive landlords.

There are a number of tenants in Bazarghonā, Kālibāri, Marichbonia and Patuākhāli who depose the truth with much less fear of the landlords than others. Resolved not to pay the abwabs, a number of tenants of Bazarghonā and Kālibāri offered rent to the landlord's agent in presence of the Subdivisional Officer and Assistant Superintendent of Police, but the landlord's agent refused to accept it. Next they filed a suit in the Court of the Subdivisional Officer for compelling the landlord's agent to take rent without the abwabs (a copy of the petition and that of the order have been given in page 13). As the tahsildars did not accept rent even at this time, the tenants did not pay any rent at all in 1318.

Again several tenants of Marichbonia instituted some 14 suits under section 58, Bengal Tenancy Act, against the landlords in 1318. But these suits were unfortunately cancelled by the present Subdivisional Officer as the petitioners were not present at the time of the hearing of the cases, the failure of these tenants in these cases has created a spirit of despondency amongst the tenants at large

APPENDIX M.

Statement of Disposal of Cases under section 105 A.

I.—Tenures.

THANA.	Total number of cases.	Total existing rental.	DISMISSED ON TECHNICAL GROUNDS OR WITHDRAWN OR ENHANCEMENT REFUSED IN THE MERITS.		ENHANCEMENT DECREED.						Total amount of enhancement.
			Number of cases.	Existing rental.	Number of cases.	Existing rental.	On ground of excess area.		Amount of enhancement on ground of section 7.	Amount of enhancement on ground of prevailing rate	
							Number of cases.	Amount of enhancement.			
1	2	3	4	5	6	7	8	9	10	11	12
		Rs.		Rs.					Rs.	Rs.	Rs.
Barisal	35	722	31	700	4	28	4	49	..	..	49
Bakarganj	36	892	30	833	6	89	6	21	..	..	21
Nalchiti	141	1,680	81	751	50	908	43	206	1	..	208
Banphal	39	1,007	8	705	12	302	11	85	5	..	88
Patuakhali	213	7,373	66	2,136	147	5,737	139	1,722	..	118	1,839
Gaichipia	220	6,783	289	6,677	1	106	1	51	..	..	50
Gournadi	111	2,342	89	1,980	22	362	22	144	..	..	144
Mehendiganj	43	2,013	34	1,827	9	186	9	53	..	..	53
Bhoi	127	4,577	126	2,074	71	1,603	71	670	..	..	670
Barahmuddia	450	6,516	374	4,962	76	1,554	66	713	464	..	1,177
Jhalakati	57	1,389	61	1,802	6	137	6	51	..	..	51
Swarupkati	105	2,539	84	2,308	21	331	21	126	..	..	126
Pirozpur	34	1,104	28	857	6	247	6	49	..	..	49
Mhandaria	392	23,675	676	10,330	316	13,345	316	2,084	..	..	2,084
Matbaria	700	32,461	354	12,897	406	19,564	309	1,843	..	28	1,870
Amali	195	4,979	53	2,078	137	2,901	137	678	..	..	678
Total	3,692	1,01,090	2,402	53,717	1,290	47,383	1,281	8,543	470	146	9,153

NOTE.—The apparent inaccuracies of the money totals is due to the elimination of annas and pies. This statement shows the original work of the revenue officers. A retrial was ordered by the Judge in 124 cases which were dismissed on technical grounds. Of these 108 again failed: 18 succeeded, and an additional enhancement of Rs. 308 was allowed, Rs. 54 for excess area in 5 cases, Rs. 4 for the rise in prices in 2 cases, and Rs. 145 under section 7 Bengal Tenancy Act, in 11 cases.

II.—Hutings.

THANA.	Total number of cases.	Total area.	Total existing rental.	Number of cases dismissed on technical grounds or withdrawn.	Number of cases refused enhancement on their merits.	ENHANCEMENT DECREED.								Total amount of enhancement.	
						Number of cases.	Area.	Existing rental.	ON GROUNDS OF—						
									Excess area.		Rise in price.		Prevailing rate.		
									Existing rental.	Amount of enhancement.	Existing rental.	Amount of enhancement.	Existing rental.		Amount of enhancement.
			Rs.			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Barisal ...	194	378	1,257	38	20	127	226	735	219	130	516	55	...	...	193
Bakarganj ...	77	209	927	29	3	51	105	379	128	98	221	33	...	...	153
Nalchiti ...	108	913	1,163	30	3	75	848	734	630	335	44	4	...	...	240
Banphal ...	288	1,142	5,383	132	6	150	450	2,234	402	64	1,532	302	...	...	388
Patuakhali ...	621	2,632	16,304	105	21	475	2,098	13,794	13,228	2,019	566	83	...	...	2,106
Gaichipia ...	151	1,508	4,212	62	63	26	156	384	150	155	213	41	...	...	190
Gournadi ...	1,181	5,746	16,827	794	51	936	1,496	9,303	1,627	415	900	55	776	181	642
Mehendiganj ...	640	3,820	14,505	517	6	326	1,765	6,627	1,328	264	5,362	503	41	20	786
Bhoi ...	627	2,337	8,061	73	171	883	1,510	5,498	3,183	1,085	2,315	275	...	...	1,361
Barahmuddia ...	2,078	9,502	19,633	427	48	1,603	7,253	15,573	11,689	6,441	4,244	809	...	...	7,250
Jhalakati ...	534	669	4,275	129	102	303	443	3,014	2,638	613	332	43	...	...	657
Swarupkati ...	798	5,253	27,113	309	174	315	2,528	9,091	6,210	3,551	2,807	501	44	44	4,098
Pirozpur ...	393	1,630	7,039	271	1	115	810	3,282	3,075	638	185	11	22	7	855
Mhandaria ...	690	1,151	3,669	359	8	323	574	3,415	3,014	900	340	21	61	8	929
Matbaria ...	687	2,105	10,449	412	12	263	1,101	6,101	4,361	780	1,740	251	...	...	1,082
Amali ...	104	688	3,120	34	1	69	373	2,046	1,418	376	628	88	...	...	404
Total of the district.	9,178	39,862	144,187	3,514	699	4,990	2,174	76,459	63,340	17,785	22,145	3,032	873	282	21,150

NOTE.—The apparent inaccuracy in the totals of money and area is due to the elimination of fractions. This statement shows the original work of the revenue officers. A retrial was ordered by the Judge in 160 cases, which were dismissed on technical grounds. Of these 8 again failed on technical grounds and 3 were refused on the merits. In the 150 cases decreed with an area of 692 acres and a rental of Rs. 2,355. A total enhancement of Rs. 368 was allowed, viz., rentals of Rs. 44 were increased by Rs. 24 on the ground of excess area, rentals of Rs. 50 by Rs. 18 on the ground of prevailing rate and rentals of Rs. 2,161 by Rs. 325 on the ground of rise in prices.

APPENDIX N.

Statement of Disposal of Cases under section 108A.

THANA.	Total number of cases.	NUMBER OF CASES AFFECTING—									CLAIM TO RECEIVE RENT IN KIND IN PLACE OF A CASH RENT.
		TITLES.			TENURES.			HOLDINGS.			
		Fully allowed.	Partly allowed.	Disallowed.	Fully allowed.	Partly allowed.	Disallowed.	Fully allowed.	Partly allowed.	Disallowed.	
Barkul ...	10	1	...	6	...	...	1	1	...	1	...
Bakarganj ...	10	...	...	6	1	...	5	...	...	...	...
Nalchhiti ...	26	16	...	4	3	...	...	3	...	...	...
Patuakhali ...	9	6	...	...	2	...	...	1	...	...	...
Barkhanuddin ...	1	1	...	...	...	...	...	...	...	...	...
Jhalakati ...	67	27	...	15	14	1	1	7	...	2	...
Gaurusai ...	181	59	1	10	8	...	1	38	...	5	...
Pirozpur ...	20	2	...	1	14	...	1	1	...	...	...
Swarupkati ...	25	12	...	3	5	...	...	3	...	2	...
Bhandaria ...	62	18	...	3	20	1	2	13	...	4	...
Matbaria ...	15	9	...	2	2	...	1	...	...	1	...
Total of the district.	366	151	1	50	69	2	10	67	...	13	1



सत्यमेव जयते

No. 1 F.—7101, dated Calcutta, the 11th September 1915.
 From—M. C. MCALPIN, ESQ., I.C.S., Director of the Department of
 Land Records, Bengal,
 To—The Secretary to the Government of Bengal, Revenue Dept.

I HAVE the honour to acknowledge the receipt of letter No. 7031, dated the 22nd July 1915, forwarding a copy of the final report on the survey and settlement operations in the district of Bakarganj by Mr. J. C. Jack, and requesting me to return it as soon as possible with any remarks I have to make on it.

2. **The Report.**—Even to the least critical, the literary merit of the report must be evident. It is lucid, full of detail, and accuracy is stamped on every page. It is preserved from dullness by a lively pen. Take, for example, the landlord's diary (page 81) containing the prayer "God save me from all troubles in the night and bless me for the next morning so that I may realize money in abundance as miscellaneous receipts," or the amin (page 149) who regarded increased pressure of inspection with somewhat the same feelings as the amin "experienced, when three tigers issued out of the forest together to inspect his work." The only cause for complaint against the report is its length, for which Mr. Jack has tendered an apology in his covering letter. The facts that this is the first report on an Eastern Bengal district revealing an entirely different state of affairs from, and probably more complicated than, that prevailing in other districts in which settlements have been completed, and that in effect the settlement of two, if not of more than two, ordinary districts was being undertaken, viz., one permanently-settled and the other temporarily-settled, render, I think, any further explanation unnecessary.

3. **Action on the Report.**—It is impossible to do justice to the report or to the work which has been done in a short review. For the present therefore I propose to deal with what in my opinion are some of its most salient features. I would however suggest that a summary of all Mr. Jack's recommendations should be made. A settlement officer has an unrivalled opportunity of collecting together valuable facts and making recommendations which merit serious consideration and should not be lost sight of. Such a summary would appropriately be made by and dealt with by the Collector in the first instance, but recommendations as to changes in settlement procedure or the law would be summarized and dealt with by my office.

4. **Government and temporarily-settled area.**—The following table shows the fiscal distribution, revenue and raiyati rents of the estates in Bakarganj :—

DESCRIPTION.	Area.	Land revenue.	Rate of revenue per square mile.	Rate of revenue per acre.	Average raiyati rent per acre.
	Sq. miles.	Rs.	Rs.	Rs. A. P.	Rs. A.
Permanently-settled at the time of permanent settlement.	1,980	5,82,593	295	0 7 4	4 9
Subsequently permanently-settled.	505	4,03,829	800	1 4 0	
Revenue-free ...	36	...	...	...	Rs. A. 4 2* { 4 7† 3 5‡
Temporarily-settled area (including Government estates).	1,008	10,25,961	1,018	1 9 6	

* In the area which came under revision of land revenue.
 † Raiyats under middlemen.
 ‡ Ditto Government or temporarily-settled proprietors.

One of the most notable features of the report is the account contained on pages 104-27 and Chapter II, Part III, of the Government and temporarily-settled areas. Having shown that the permanent settlement has enabled the proprietors to make enormous profits and has resulted in the bestowal of a vast area upon those who had no title to it, Mr. Jack proceeds to prove conclusively that in the temporarily-settled area the previous policy of land revenue settlement in Bakarganj has been penny-wise pound-foolish and remarkable for a considerable loss of revenue which need never have been sustained; that it has led to the transfer of the land to a crowd of grasping middlemen who oppressed the actual cultivator in every way, even depriving him of his right as such, and that it has provided the small Government official with every chance of making money illicitly or of obtaining possession of the land himself by forgery or chicanery. In Mr. Jack's expressive words "fraud was rampant, and there were cases of positive forgery. We marched through rapine and corruption to the revision of land revenue." There can be little doubt that the initial reason for the above state of affairs is, as remarked by Mr. Jack, the struggle between revenue and relief from overwork. The latter led to the creation of middlemen to relieve Government of the trouble and expense of collecting rents with the inevitable result that it was relieved also of an unduly large percentage of revenue, whilst it has been detrimental to the interests of the cultivators. It is only as a result of these settlement proceedings that the revenue policy in Bakarganj has improved, and the Government has made a stand against the middleman and has insisted in the future on the settlement of land with the actual cultivator; but it is impossible without special arrangements to deal effectually with the vast crowd of middlemen who have battered on to a valuable property during the past and have now come to possess vested rights in it.

Mr. Jack hopes therefore that the policy of neglect is dead, but he does not consider that the evil which has been done in the past or the evil which will still be done in the future can be undone or prevented except (1) by expropriation of the middlemen, or (2) by the maintenance of the record in the temporarily-settled area.

5. Expropriation of the middleman, by Government buying him out in the Government estates, is by no means so extraordinary a proposal as it would at first sight appear. In the temporarily-settled estates it would be more difficult owing to the added necessity of buying out the proprietors. Looked at as a financial undertaking, nothing could be more advantageous. Mr. Jack thinks that doubtless many middlemen would willingly enough go on receipt of ten times the value of their annual profits. On this basis it can be calculated from the appendices that an expenditure of 12 lakhs would cover the cost of expropriation in the Government estates of which the revenue was revised, whilst each year Government would receive an increase of revenue of Rs. 1,20,000 and in the future a still larger increase. To apply the scheme only to absentee middlemen would have considerable effect, for Mr. Jack estimates that 70 per cent. are absentee (paragraph 359). Moreover, it appears that the majority of these possess the larger portion of their, and more profitably, lands in the permanently-settled area, or they are money-lenders. Legislation would not be necessary at first, though a few practical difficulties would have to be overcome. Tentative measures to expropriate gradually by offering certain terms might be taken and the results watched.

6. **Land tenure system.**—On pages 43 to 60 a description is given of the system of land tenure prevalent in Bakarganj, characterised by Mr. Jack as the most tortuous and intricate in the world. In the space at my disposal it would therefore be futile to attempt to describe it. It is shown how it came into existence owing to the development of the land, by promotion by conferring a higher status upon a cultivator already on the land, by revolt from one landlord to another, by the interpolation of intermediate tenures instead of outright sales, by fraud and by family arrangements. That this tenure system is a public nuisance, wasteful, a fertile case of fraud and intrigue, harassing to the tenantry and too complicated even for the people themselves, seems to be Mr. Jack's conclusion on the question. *Primâ facie* no other conclusion would

seem possible. What a nuisance it is to the administration can well be imagined from the mere number of these tenures, viz., 464,008, i.e., 170 to the square mile where proprietors had created tenures at all, quite apart from their ramifications throughout different villages or the fact that a considerable number are simply aliquot shares or assignments thereof. For one thing, it makes the cost of cess revaluation, which, without such subinfeudation, would be a simple business, exceed a lakh instead of being some tens of thousands. It is not therefore to be wondered at that this settlement saw the introduction of a special system of check of these tenures by a tenure-tree, nor that copies are more often taken from the district register of tenures than from anything in the record. In paragraph 156 Mr. Jack discusses remedies to mitigate the evil of the system. To prevent interpolation, he suggests that in Bakarganj there should be a low stamp duty on sales and a high stamp duty on leases granted by aliquot landlords or to aliquot tenants. Whatever may be the feasibility of this proposal, at any rate Mr. Jack's recommendation for the reduction in the number of tenures created by family arrangements, by a simple method of partition, deserves considerable attention. When the Partition Act has been reduced to its essentials, the fog surrounding it regarding title and possession dispelled and non-essentials treated as rules under the Act; it can then be considered whether a simple method of partition, based on the actual assets enjoyed by the co-sharers, cannot be applied to tenures in areas where an authoritative record-of-rights has been prepared. The suggested method of expropriation in the permanently-settled area seems to depend upon the desire of the people for it, and it involves the problem of the *bhadralok* in Bakarganj. Their means of subsistence from the land in the permanently-settled area cannot, I think, be removed without opening up some means of industrial development, to which they could bring the profits of expropriation. The suggestion however that merger, a doctrine which Mr. Jack says is passionately repudiated by the people, should be made obligatory is one demanding treatment.

7. Condition of the agricultural classes.—The assertion so often made that the tenant in Eastern Bengal is well able to look after his own interests receives in some respects a rude shock from certain facts given in this report. In his chapter on the condition of the agricultural classes (Chapter IV, Part II) Mr. Jack shows that the Bakarganj cultivator is generally in easy circumstances, comfortable and free from the menace of famine. In some respects he appears to be better off even than the Italian peasant. He is however at the mercy of his landlord in the matter of *abwabs*, which he is cajoled, cheated or beaten into giving, and even arbitrary eviction is not unknown. Mr. Jack considers that *abwabs* have reached the climax in Bakarganj. Rent is almost a matter of theoretical interest. The *abwab* is the main source of revenue and of the power of the landlord. One is almost drawn to the conclusion, owing to the stringent rules in the Bengal Tenancy Act against enhancement of rent and the weakness of the working procedure provided by it against *abwabs*, that the result has been an increase in the pitch and number of *abwabs*. There are also in other districts indications that, following Mr. Jack's suggestion, a campaign against *abwabs* is necessary for the good name of the administration, and that the time is coming for some more effective legislation. Meanwhile there is little reason why more effective action should not be attempted under section 58 in the matter of granting rent-receipts (paragraph 200).

8. A natural question to ask in this connection is whether the tenants are better off in the large temporarily-settled area in Bakarganj than in the permanently-settled area. That they are very much better off from all points of view when the cultivators hold lands under Government direct cannot be gainsaid. Their rents are lower; they have no *abwabs* to pay; they are not drawn into the intrigues of superior landlords, evidence which is sufficiently supported by the passionate desire of the tenants in estates, when there are middlemen, to get rid of the latter. But where there are middlemen the state of affairs in the estate is no better than in a permanently-settled estate and even in some cases (*vide* Appendix L dealing with the Marichbunia group of estates) is probably much worse. As

noted by Mr. Jack, there is considerable evidence for the application of section 3 of Regulation VII of 1822, which allows Government to take khas possession of temporarily-settled estates in the interests of public order or when the management of the proprietors is detrimental to tenure-holders in Government estates, with the alternative of expropriation.

9. Increase of land revenue in temporarily-settled area.—The result of the revision of land revenue in 583 square miles has been to increase it from Rs. 4,64,385 to Rs. 7,87,472—an increase of Rs. 70 per cent. This increase appears to be very large, and what makes it the more remarkable is that it has been obtained with only a small increase in the rents paid by the raiyats or actual cultivators. As remarked by Mr. Jack :—“It was rarely that the revenue officers were called upon to revise a uniform scale of rents, and accordingly it was rarely that the provision in the rules for the enhancement of the rent of raiyats was brought into force.” It is true that in little less than one-sixth of the area an increase of the raiyati rate was obtained from Rs. 2 to Rs. 3-6 per acre, but in many of the cases the fertility of the soil had been so markedly improved by fluvial action that the enhancement was completely justified. On the whole, raiyati rents were increased by only 15 per cent. and the average raiyati rental per acre by 18 per cent.

The main increase of revenue was therefore due to an entirely different cause, viz., the curtailment of the large profits hitherto obtained by middlemen. Under the old *régime*, increase of revenue had always been obtained at the expense of the cultivator, whilst each middleman, whether his tenure was binding against Government or not, was allowed an increased profit, and each proprietor's profits were assessed on his own rent-roll. That Government should lose a certain proportion of the revenue by the introduction of middlemen it had itself introduced was just, but that Government should lose because these middlemen introduced other grades of middlemen between them and the raiyat without benefiting the land, was a principle for which little justification could be advanced and was not one which the rules of land revenue settlement laid down in the settlement manuals anticipated. Under the orders of the Government of India laid down in their No. 1917, dated the 8th September 1874, a consolidated proprietary allowance of 30 per cent. of the assets should be allowed to proprietors in resumed estates, and 20 per cent. should generally be allowed to farmers or *ijaradars*. Meanwhile assets, at all events in proprietary estates, are definitely defined in the manuals as the raiyati assets. It therefore follows that a portion of the profits allowed to a proprietor must go to the tenure-holders. Such being so, the decision in this settlement that allowances should be distributed, subject of course to special contracts or reasons in particular cases amongst the different grades of tenure-holders and proprietors (if any), was simply a reversion to a policy of land revenue settlement which Government had intended should be followed. The system found in Bakarganj, however, for which, in view of the definite definition of assets in the manual, there is no authority, still exists in many districts in Bengal. It can be conceived that in certain circumstances, with the extraordinary amount of subinfeudation existing in Bakarganj, the Government revenue might under the old system be reduced to the vanishing point. Moreover, the middlemen were useless to the administration and a burden to the raiyats who cordially wished for their removal. They could also well afford a reduction of their profits as they had ample land in the permanently-settled area and were moreover very often money-lenders. In fine, Government is, I think, to be congratulated in that a large increase of revenue has been secured at the expense of the people who could afford it and who were not entitled to the profits they had been making, and not at the expense of the cultivator.

10. Increase of rent in the permanently-settled area.—What is remarkable is the small number of applications filed under section 105 for increase of rent. Only 3,692 and 9,173 were filed against tenure-holders and raiyats, respectively, of which 1,290 and 4,960 with a resultant increase of 19 per cent. (Rs. 9,158) and 27 per cent. (Rs. 21,150), respectively, on the

existing rentals were allowed. Mr. Jack comments on these figures and the disappointment of the landlords. Looking at the matter in detail and placing the results check by jowl with the very different results obtained by Government in the area under revision of land revenue, he considers that there is some case for generally relaxing the rigid provisions of section 105 (applying to settlement of rent in the permanently-settled area) on the basis of section 104 (applying to the settlement of rents in temporarily-settled area), which lays down an adherence to the principles underlying the sections regarding enhancement in the Act and not a rigid adherence to their details. I am not however inclined to agree with Mr. Jack. From the figures in the report and the results obtained in settlements in other districts it can be shown that this comparison is illusory. So far as Bakarganj is concerned the figures for the increase of rent of tenure-holders in the permanently-settled area can be dismissed as unimportant, because from paragraph 169 of the report it appears that out of a total of 331,282 rent-paying tenures (*vide* paragraph 168) only 512 are temporary, whilst except in the temporarily-settled area (used throughout the report to include Government property) and a few other cases, all the remainder are held at a rent or rate of rent fixed in perpetuity. In the case of raiyats, where applications have been allowed, an increase of rental from Rs. 76,459 to Rs. 97,609 for 21,713 acres has been obtained, meaning a resultant rate of little more than Rs. 4-8 per acre. The average rate of raiyati rent in the permanently-settled area is (*vide* Appendix K) Rs. 4-9 per acre. But in the Government and temporarily-settled area under revision of land revenue the rents paid by raiyats holding direct under Government or under private proprietors average Rs. 3-5 and under middlemen Rs. 4-7 per acre, on the whole Rs. 4-2 per acre. This comparison of the raiyati rentals discloses no case for allowing the landlords further facilities for raising the rate of Rs. 4-9 by the extension of the principles of section 104 to the permanently settled area. On the contrary, they show that Government has not taken full advantage of the facilities of section 104. It may well be astonished at its own moderation. Turning now to other large operations in progress, the last annual report (Appendix V) of the department will show that the landlords in other districts are by no means backward in filing applications for settlement of rent, and that they have little substantial reason for being dissatisfied with the increase which they have obtained. It may be that in points of detail or working procedure the law may well be amended, but a general relaxation of the rigid procedure of section 105 on the basis of section 104 is in my opinion somewhat questionable.

11. **Procedure.**—The history of the Bakarganj settlement in one respect is a history of the main developments and improvements in settlement procedure by—

- (1) the transfer of the conduct of the cadastral survey to the Settlement Department ;
- (2) the introduction of the system of field *bujharat* or explanation on the field plot by plot to tenants ;
- (3) the introduction of printing ; and
- (4) the distribution to each person interested of a copy of the map of his village.

The origin of these improvements are explained in the report on pages 147, 149, 175 and 179. They are now well established as part of the settlement procedure in Bengal, and without which in Bengal operations would certainly lack accuracy and much credit with the landlord and tenant.

12. **Cost of operations.**—Bakarganj was the first of the recent great district operations to demonstrate that the cost-rates of Bihar were inapplicable to the more complicated conditions of Bengal—a fact which had been anticipated from the experience of the settlements of Chittagong and of the large Roshnabad estate by the Hon'ble Mr. Betson Bell in his original estimate, and which has been amply justified by the event and the proceedings in

all the Bengal districts. Reliable figures are now available for the first time in the report for the cost of the operations and the result is—

					Cost.
					Rs.
Gross	...	...	...	...	28,33,121
Net	...	...	...	...	25,73,736

The total area of the district is 4,891 square miles, but excluding the Meghna estuary is 3,840 square miles. Excluding again other rivers and streams, the land area is 3,490 square miles and the occupied land area 3,230 square miles. Deducting from this the area of lands excluded from the settlement by notification and of lands transferred to other districts, the total occupied land area under settlement in the district comes to 2,972 square miles. Taking the last figure for purposes of comparison, the net cost-rate is Rs. 866 a square mile, taking the total district area of 3,840 square miles it is Rs. 670 a square mile. In view of the remarks of this Government in its letter (Land Revenue) No. 329 of the 11th January 1915 to the Government of India, no further remarks on the expenditure are necessary.

13. Apportionment and recovery of cost.—The apportionment order for the recovery of costs in Bakarganj is remarkable for the introduction of a new system of assessing tenure-holders and proprietors upon their rents and profits, respectively. The system of assessment on profits has subsequently been adopted in other settlements where an assessment on the basis of area would be almost an impossibility on account of elaborate subinfeudation. It has one drawback in that it is difficult to estimate. In Bakarganj there has however, it now appears, been a marked agreement between estimate and realization.

On an area basis, Rs. 14,70,412 would have been recoverable from landlords and tenants, but inasmuch as the work in the temporarily-settled area was simpler than in the zamindari area it was decided to recover 16 lakhs from the landlords and tenants in the area not under revision of land revenue. In the end Rs. 16,24,588 was recovered.

14. Objects of settlement.—The completion of the settlement has given very general satisfaction, and it has accomplished the general purposes for which it was sanctioned. Its credit has increased from year to year, whilst the maps and records are of considerable use in all branches of the administration. Mr. Jack, however, considers (*vide* paragraphs 202 and 203) that in one respect it has failed. One important point, which was made in applying for sanction to the inception of the operations, was that it would be a means of restoring peace to the agricultural classes. Mr. Jack is pessimistic. But the figures for rioting* and for proceedings taken to prevent a breach of the peace† show a marked decrease in crime connected with land disputes. Year after year has attention been drawn in the Police annual reports to the marked decrease in rioting cases. This has been consistently ascribed by the Inspector-General of Police to the settlement operations. I venture to think therefore that Mr. Jack is unduly pessimistic.

15. Definition of tenure-holder and raiyat.—In view of the Bill at present before Government regarding the transferability of occupancy rights, the facts and opinions contained in the report on the classification of *de facto* tenure-holders claiming to hold as raiyats demand attention (paragraphs 170, 318-20, 360). Mr. Jack's final conclusion on the matter is (paragraph 490) that the cultivator should be the rayait unless he has obtained by contract or by custom the various rights of tenure-holders, but the raiyat should become a tenure-holder as soon as he has ceased to be a cultivator. This is valuable support of the proposal put forward in the Bill, that a man purchasing a raiyati holding with the intention of treating it as tenure should be regarded as a

* True cases rioting, 1896—1900, average 117.
Ditto ditto, 1909—1913 „ 55.

† Proceedings to prevent a breach of the peace, 1896—1900, average 2,975.
Ditto ditto ditto, 1909—1913 1,545.

tenure-holder. Paragraph 332 deals with another old friend—the difficult of commutation. Special rules on the subject have recently been framed by Government, and the report discloses nothing new on which any action need be taken at present.

16. Distribution of the district.—Perhaps the foremost lesson to be learnt from this report is the necessity of some kind of decentralization. No more convincing arguments and facts can be found for the division of the district into two or three than in this report. It is a heterogenous, complicated, geographically difficult and turbulent district which, its past history shows, is beyond the power of one set of district officials to manage.

17. Maintenance of the record.—Decentralization (paragraph 202) is thus Mr. Jack's main cure for the conditions prevalent in the district, but in addition he strongly advocates in various parts of the report the maintenance of the record-of-rights both in the permanently-settled and in the temporarily-settled areas. He considers that, despite the decision to give up maintenance for the present, a special case has been made out for Bakarganj, and from paragraphs 271 and 438 of his report it will appear that he considers that maintenance is vital to the welfare of the temporarily-settled area. Without going into the larger question, which is under Government consideration, I may say that in regard to temporarily-settled area, and in particular to Government estates, I am decidedly of opinion that some more stringent form of maintenance is necessary than is at present practiced by the Khas Mahal Department generally in Bengal. In support of this opinion I would cite the state of records in the Government estates in Midnapore which necessitated a resettlement and which increased the cost of that settlement, and the reasons which are now being put forward for a more complete scheme in Jalpaiguri of maintenance by Government with a view to keeping its papers as landlords correct and up to date.

18. Date of revision.—A scheme of maintenance in Bakarganj, even if confined to the temporarily-settled area, is complicated by the fact that it is many years since the record was finally published, and that the record would have to be first revised, an expensive business. Such revision should obviously take place when an opportunity for the revision of land revenue arises. In this connection, I would draw the attention of Government to paragraph 436 in which the question of enforcing a uniform date of expiry of settlements is raised. As remarked by Mr. Jack, this would require an amendment of the law, but it can be arranged by extending present settlements up to a date when as many as possible of the estates under resettlement of land revenue can be taken up together, instead of piecemeal. Looking to the dates in Appendix J, Parts I and II, it would appear that a suitable date for a revision settlement would be the year 1924, and that no new resettlement should be started subsequent to 1920. Immediately the revision settlement starts steps should be taken to evolve a scheme of maintenance suited to the temporarily-settled area at least.

19. Before leaving the report, I would draw special attention to Mr. Jack's recommendations regarding roads (paragraphs 27 and 28) to his suggestion regarding revenue *kists* and the tauzi administration (paragraph 226) and to his remarks regarding the condition of the *bhadralok*. In conclusion I have the honour to request that the good work done by the Indian officers mentioned in paragraph 493 may be brought to the notice of the Appointment Department.

No. 5061 R., dated Dacca, the 21st September 1915.

From—F. C. FRENCH, Esq., I.C.S., Commissioner of the Dacca Division,
To—The Secretary to the Government of Bengal, Revenue Department.

WITH reference to your letter No. 7030, dated the 22nd July 1915, I have the honour to return the copy of the final report on the Survey and Settlement operations in the district of Bakarganj, together with copy of a letter from the Collector of Bakarganj, No. 3402 C., dated the 29th August 1915, commenting on the report.

2. I have read the report with the greatest interest and fully share the admiration expressed by Mr. Strong. It will be of the utmost value in the administration of the district.

I think Mr. Strong's suggestion of making two volumes of the report may usefully be adopted.

No. 3402 C., dated Bakarganj, the 29th August 1915.

From—F. W. STRONG, Esq., I.C.S., Magistrate-Collector of Bakarganj,
To—The Commissioner of the Dacca Division.

WITH reference to your memorandum No. 3994 R., dated the 27th July 1915, forwarding copy of the Settlement Report of Bakarganj, by Mr. J. C. Jack, I.C.S., I have the honour to say that the report strikes me as a very fine piece of work, of the greatest value to the Collector and other revenue officials of the district.

I only wish that it had been in existence when I came first to the district nearly three years ago.

Mr. Jack's knowledge of the district is far greater than mine, but I may say that I heartily concur with his remarks about the unsatisfactory nature of the relations between landlords and tenants. It is quite true that the curse of the middleman lies heavy on the land, and is at the root of the lawlessness of the tenantry. It is a noticeable fact that in the khas mahal areas this lawlessness is not apparent. There is indeed very little crime in these areas.

I am also in entire agreement with what Mr. Jack says in part II about the revenue administration of the area of the district which was not included in the permanent settlement.

No one can be Collector of Bakarganj for any time without being struck with the manner in which for nearly a hundred years Government flung away valuable property with both hands, thereby sacrificing not only its own interests but those of the agricultural population. If early in the last century the principle of raiyatwari settlements directly under Government had been adopted and waste lands and resumed estates consistently colonized by Government agency, the greater portion of the district would by now be inhabited by a prosperous and orderly population.

It is the harassing and unsympathetic treatment he receives at the hands of his landlords rather than his own inherent wickedness which makes the Bakarganj cultivator a potential dacoit.

The management of Government khas lands in recent years may, I think, fairly be regarded as a success, and the colonization of the Sundarbans, which is in progress, promises to be a very profitable investment for Government money as well as a boon to the people of the district, but the area of Government estates not already settled with middlemen for long terms is pitifully small as compared with the land area of the district.

Of course, the general introduction of the circle system should go far to protect the cultivators from ill-treatment by their landlords, but so long as the middleman exists, he must make a living somehow, and in the majority of cases he can hardly do that if he keeps strictly to the letter of the law and realizes nothing but the rent due to him.

I think that, in the interests of the cultivators, no opportunity should be lost by the local revenue authorities to acquire land for Government and where possible to get rid of the middlemen who may be in occupation of it. What to do with the *bhadralok* middleman is certainly a difficulty. So far as I can see, they will never make cultivators, but they might be made to take a more direct interest in agriculture than they do now, if parcels of land were settled with them, sufficient for their maintenance if cultivated with the help of servants. To prevent subinfeudation stringent provisions prohibiting subletting and alienation and enforcing personal residence on the land would necessarily form a part of the contract. Some such plan might provide occupation as well as a means of livelihood for some of the unemployed *bhadralok*. Of course the plan might be tried on a much larger scale if the policy of expropriation suggested by Mr. Jack could be put into effect. The drawback to such a scheme is the fact that under the provisions of the Tenancy Act, these *bhadralok* raiyats would in course of time acquire occupancy rights and the provisions of their contracts would no longer be enforceable. They would inevitably alienate and sublet and subinfeudation would creep in again.

I will now comment briefly on a few points, which have struck me on reading through the report:—

(1) The report in its present form is rather bulky. Parts I and II contain very valuable information about the district generally, and are worthy of constant study by the Collector and the various Government officers engaged in revenue work. The complete volume is, however, heavy and awkward to handle and more suitable for reference than for comfortable reading in an officer's leisure hours.

I would be inclined to make two volumes of it. Parts I and II might form one volume, parts III and IV with the appendices a second.

(2) *Pages 12 and 13, paragraphs 27 and 28.*—I think Mr. Jack's remarks in these paragraphs give rather a wrong impression of the activities of the District Board. It is true that till recently the Sadar subdivision was getting the lion's share of the money available for expenditure on communications, but the claims of the southern portion of the district have now been fully recognized, and a percentage by which such expenditure will be regulated for each subdivision has been fixed after careful consideration. As a result, the Patuakhali subdivision, still recently the most neglected, is now getting more money for communications than any other. The current quinquennial programme contains a number of important road projects intended to open up the Sundarbans and South Bhola.

I am not altogether in agreement with what Mr. Jack says about roads. A road, if it is to be really useful, must have at least a 6 ft. crest. Besides those of the ordinary villagers, the needs of inspecting officers and police officers must be taken into account. When any sort of a decent road is available, these officers ordinarily travel by bicycle. Now, allowing for inevitable damage by cattle and rain water, a road with a 6 ft. crest will in places be not more than 4 ft. wide, which is about the minimum width for bicycling. Embanked foot-paths, such as Mr. Jack seems to contemplate, presumably some 2 or 3 ft. wide, are apt to become knife-edged in the rains, and are hardly safe even to walk on, if not washed away altogether.

When the circle system is introduced and Union Committees have money to spend, it may be possible to do something in the footpath line, but it would, to my mind, be a mistaken policy for the District Board to spend its money on such projects.

(3) The crop figures in part I, chapter II, are not up to date—

(a) I have seen much of the interior of the district during the present rainy season, and can safely say that in the current year, at all events, the area covered by the *aus* crop is very much larger than the area given by Mr. Jack. I believe, however that the area under this crop is considerably above the normal this year owing to the partial failure of the last *aman* crop.

(b) The figures for jute and *mestha* are also much out of date. I should judge from my own observations that the area under *mestha* is quite $\frac{1}{3}$ rd of the whole area covered by the two crops. There is very little *mestha* grown in Gournadi, Babuganj or Kotwali, but a great deal in Badartuni, Muladi, and Mehendiganj. Last year the area under these two crops was estimated at some 63,000 acres. This year the area is less owing to the bad prices last season, but it is still high (47,000 acres) compared with Mr. Jack's figures.

(4) There seems to be a mistake in paragraph 79 at page 29 of the report. The local name for the rice *hispa*, a small black flying beetle with little spines on its wing cases and body, which attacks the rice before it flowers is *pamari*. In dry years this insect does a lot of damage to the growing rice both *aus* and *aman*, and is, I think, the chief enemy of the rice crop so far as Bakarganj is concerned.

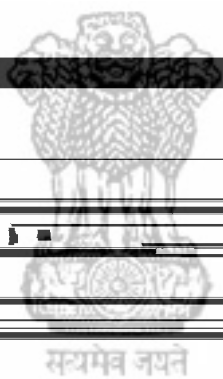
The insects which attack the winter rice, when it is in the ear, are principally, I think, the caterpillars of one or more varieties of moth. I believe the most general name for these creatures is *leta poka*, but they are not so much feared as the *pamari*. A third pest, less formidable than either of the other two is the *mowa* or *yanani poka*, the rice-bug, which sucks the juice of the developing ears and causes them to turn white. There is, I think, a general tendency among cultivators in this district to give all kinds of insect pests, which attack the rice at different stages of its growth, the name of *pamari*.

(5) In paragraph 85, page 32, sugarcane is said to be 18 months on the ground. There is something wrong here. Eight to ten months is the usual period for sugarcane to remain on the ground.

(6) I thoroughly agree with Mr. Jack's remarks in paragraph 488, pages 252 and 253, about the maintenance of the record of rights. From an administrative point of view the annual maintenance of the record would be far more valuable than periodical revision. The district settlement operations here covered some 11 years, and were accompanied by considerable unrest amongst the agricultural classes. A periodical revision, at intervals of 20 years or so, will hardly be effected in less than three years on each occasion, that is to say, instead of an annual revision causing little or no dislocation of business, every 20 years or so we shall have a period of turmoil and uncertainty until people shake down into the new order of things.

The difficulty is how to meet the cost of maintenance. To my mind, it would be no hardship to impose a cess for the purpose to be calculated and realized in much the same manner as the road cess.

(7) In paragraph 490, page 254, Mr. Jack summarizes the points in respect of which the Bengal Tenancy Act has proved itself unsuitable to the conditions of Bakarganj. I think



REVENUE DEPARTMENT.

LAND REVENUE No. 350 T.—R.

DARJEELING, THE 15TH MAY 1916.

FROM THE HON'BLE MR. L. BIRLEY, C.I.E., I.C.S.,

Offg. Secretary to the Government of Bengal,

TO THE SECRETARY TO THE GOVERNMENT OF INDIA,

DEPARTMENT OF REVENUE AND AGRICULTURE.

SIR,

I AM directed to forward for the information of the Government of India a copy of the final report on the survey and settlement operations in the district of Bakarganj. The operations were sanctioned in the Secretary of State's Despatch No. 140 (Rev.), dated the 29th June 1899. From first to last the operations extended from 1900 to 1912. The bulk of the work was, however, done in the years 1900—1908. The final report has been prepared by Mr. J. C. Jack, I.C.S., who worked as Assistant Settlement Officer, then as Settlement Officer, and finally as Director of Land Records. Mr. Jack is now on military duty in France, serving as Adjutant in an Artillery Brigade. The report is somewhat longer than the standard for such publications, but it is a document of the utmost value, and the Governor in Council is satisfied that it could not have been curtailed without great disadvantage.

2. It will be seen that the report is divided into four parts headed respectively—

- I. General and statistical description of the district.
- II. Fiscal History.
- III. The present settlement.
- IV. Conclusions.

In all four parts the information is set forth with great lucidity and literary force, and the Governor in Council does not propose to attempt in this letter anything in the nature of an abstract of the report. There are, however, a few salient features to which he would briefly allude.

3. It will be seen from the first part of the report that the district (which is named after Aga Bakar, a famous Muhammadan adventurer of the 18th century) lies on the face of the Bay of Bengal, and is bounded on the north by Faridpur, on the east by Noakhali, and on the west by Khulna. The total area is 4,891 square miles, of which only 3,490 consists of land. The remainder is made up of waterways, large or small. Bakarganj has a population of nearly $2\frac{1}{2}$ millions, of whom about two-thirds are Muhammadans. The remainder are Hindus, with sporadic settlements of Buddhists and Christians. The population is almost entirely agricultural. Unlike other districts of Eastern Bengal,

the jute crop of Bakarganj is negligible. The staple products of the district are rice and orchard-fruits. The fields are given up to the cultivation of the finest rice in Bengal. The homesteads are large and self-contained, each family residing in a farmhouse, which is surrounded by a moat and is raised above the level of the country by the earth taken from the domestic tank. In and around these homesteads there are rich orchards of cocoanut, betelnut and palmyra, which add alike to the wealth and the beauty of the district. On the whole, the peasantry is prosperous. They are quick to resent an injury and not infrequently resort to violent crimes; but they are intelligent, manly, self-reliant, and remarkably hospitable. No officer, who has served in Bakarganj for any length of time, fails to retain a high regard for the people. The climate is generally salubrious, chiefly on account of the sea breezes and the action of the tides which wash out every stream.

4. At one time there were extensive forests in the south of the district, but cultivation is steadily extending. From the figures given by Mr. Jack it will be seen that, including homesteads and fallow, 80 per cent. of the land of Bakarganj is now under cultivation. It is interesting to note that since the Revenue Survey of 1860 cultivation has increased at the average rate of 10 square miles per annum in spite of the serious set-back in 1876, when a storm wave devastated the southern portion of the district. As many as 70,000 people are said to have been drowned in a single night.

5. The land system of Bakarganj is probably the most intricate in the world. Between the zamindars and the raiyats there are nearly half a million intermediate "tenures," most of which are owned in coparcenary by several persons whose interests are often divergent and antagonistic. These tenures are found side by side and one above the other in the most bewildering complexity. In pages 43-60 of the report, Mr. Jack has given an interesting and probably correct account of the origin and development of this extraordinary system of subinfeudation.

6. Probably the greatest agrarian curses in Bakarganj are the prevalence of absentee landlordism and the persistent levy of illegal cesses by landlords of every grade. To both of these evils Mr. Jack has drawn pointed attention in his report. The diary of a landlord, which is reproduced at page 81, is of peculiar interest.

7. It is impossible in this letter to give a resumé of the fiscal history of the district, as set out in Part II of the report. It will suffice to note that the district came under the permanent settlement of Lord Cornwallis in 1793. It was for some time doubtful whether the permanent settlement did or did not extend to the Sundarbans. The question was set at rest by Regulation III of 1828, which declared that "the uninhabited tract known by the name of the Sundarbans has ever been, and is hereby declared to be, the property of the State." By various causes other lands became the property of Government, while temporarily-settled private estates also grew up, mainly as the result of alluvial accretions. At the present day, out of 3,490 square miles of land nearly one-third (1,008 square miles) are outside the permanent settlement. Less than one-half of the land-revenue of the district (which now stands at a total of over 20 lakhs of rupees) is paid by permanently-settled proprietors. It will thus be seen that the district of Bakarganj presents features of unusual interest and is widely different from those districts in Bengal which are wholly or mainly covered by the permanent settlement. One of the maps which are attached to the report shows at a glance the distribution of Bakarganj in the matter of fiscal management.

8. From the brief notes which are contained in the foregoing paragraphs it will be recognized that the survey and the preparation of a record of-rights in Bakarganj were attended with peculiar difficulties. In the third part of his report, Mr. Jack gives a clear account of those difficulties and of the manner in which they were surmounted. Perhaps the most interesting feature in the whole operations is that, while they were originally undertaken with the sole object of eliminating agrarian

troubles and with no idea of revenue-assessment, they gradually expanded into important "resettlement proceedings" as known in other parts of India. It has already been noted that there are 1,008 square miles of Bakarganj which are beyond the scope of the permanent settlement. In more than half of this area, i.e., in 583 square miles the current settlements expired at or about the time when the general survey and record-of-rights were in progress. This was a fortunate coincidence and the Governor in Council is glad that his predecessors in office decided to entrust the work of revenue revision to the Settlement Officer and his trained staff. It will be seen from Appendix J of the report that, as a direct result of the survey and settlement operations in Bakarganj, the public revenues have been increased by no less a sum than Rs. 3,23,087 per annum. This is a remarkable and probably unique result in operations undertaken from purely administrative, as distinct from fiscal, considerations. The result is the more gratifying when it is seen, as explained in the report, that the bulk of the new revenue is derived not from the cultivators of the soil but from the various grades of middlemen who have superimposed themselves upon the cultivators. It was particularly in the Sundarbans estates, where previous fiscal experiments had often been attended by unfortunate results, that the bold settlement policy of Mr. Jack brought about lasting benefits, alike to the raiyats and to the State. It was in consequence of these operations, and of the flood of light which was thrown on the agrarian conditions of the Sundarbans grants, that the policy of reclamation through middlemen has been definitely abandoned in the tracts of Bakarganj which are still available for settlement. The policy now adopted is that of dealing direct with settlers of the cultivating class, the work being supervised by a specially-selected "Colonization Officer" with an office in the heart of the Sundarbans. One of the most interesting items in Mr. Jack's report is the passage (page 114), where he points out that the policy which is now being followed is merely a reversion to the far-seeing orders which were passed by Warren Hastings as long ago as 1784.

9. Reverting to the practical difficulties which were experienced and overcome in the Bakarganj operations, the Governor in Council would draw particular attention to—

- (a) the introduction of tenure-trees to show the system of sub-infeudation ;
- (b) the transfer of cadastral survey and record-writing from the Survey Department to the Settlement Officer ;
- (c) the printing of village maps for distribution to every landlord and tenant ;
- (d) the first experiment in what is technically known as "field *bujharat*" ;
- (e) the first experiment in printing the record-of-rights.

All these reforms were introduced in order to cope with actual difficulties, and all were justified by success.

As regards the tenure-trees, a specimen is given in Appendix F of the report. The specimen is self-explanatory. Before record-writing began a "tree" of this nature was prepared for every village by an Assistant Settlement Officer or a kanungo. The Governor in Council is convinced that, owing to the complexity of the Bakarganj tenures, it would have been impossible for the amins to prepare an initial record which was even approximately correct. The cost which was incurred in preparing these trees was more than counterbalanced by subsequent savings. These trees, as finally revised and corrected, have been bound up and placed in the record-room, and are a most valuable addition to the record-of-rights.

At pages 146-149 of the report, Mr. Jack gives an account of the second of the above reforms—that connected with the supervision of cadastral survey and record-writing. The system of divided control had become intolerable and threatened a breakdown of the proceedings.

Through the ready co-operation of Major Crichton a revised system was introduced under which the Settlement Officer and his staff are trained in survey, and are entirely responsible both for cadastral survey and for record-writing, assisted by an expert known as the "Technical adviser". The Director of Surveys retains full responsibility for traverse survey, but confines himself in cadastral survey to inspection and advice. This system is now adopted throughout Bengal, and also throughout Bihar and Orissa, with the most satisfactory results.

The third reform to which the Governor in Council would allude is the distribution of printed maps. Under the old system the four boundaries of each field were entered in the record. This was a cumbrous system, especially in Bakarganj where a single field had often to be entered in the papers of many tenants, *vide* the example given on page 145 of the report. Moreover, it was a matter of extreme difficulty to ensure that the boundaries were correct and consistent. It was therefore decided to record only the north boundary of each field and at the same time to distribute printed maps. This reform was made possible by the introduction of the "Vandyke process" in the drawing office of the Survey Department. The maps add comparatively little to the cost of the operations. They are also extremely popular and have fully met the object with which they were introduced. This is another of the Bakarganj reforms which have been adopted in other settlements.

The remaining two reforms which have been noted above, namely, "field *bujharat*" and "record printing" were not adopted in Bakarganj until the closing period of the operations. *Bujharat* is the process by which the draft record is explained to the raiyats. It was formerly done by clerks at attestation camps, generally several miles from the fields concerned. It was long felt, especially when the record is as complicated as the record in Bakarganj, that this system was most unsatisfactory. Mr. Jack therefore devised a system by which each field should be explained on the spot, and errors corrected then and there, by an officer not below the rank of kanungo. This system is now universal in Bengal. The scheme of record printing can be more suitably dealt with in connection with the final report on the operations in Faridpur; but it should be noted here that the scheme originated from difficulties felt in Bakarganj, and that the small experiment which he made in Bakarganj encouraged Mr. Jack in pressing his reform for general adoption. The record is now being printed in all the large settlements to the great satisfaction of the general public and of all officers, executive and judicial alike.

10. As regards case-work subsequent to final publication, it will be noticed that although "disputes" and "objections" were numerous during the preparation of the draft record, comparatively few complaints were filed under section 105 or section 106 of the Bengal Tenancy Act. This was partly due to the short period which the law allows for the filing of such complaints, but still more so (in the case of section 105) to the fact that no application for the determination of a fair rent can be made except with the concurrence of all the joint landlords. Joint landlords in Bakarganj are averse from joint action either in this or in other matters.

11. The feature of the operations to which those concerned probably look back with least satisfaction are the proceedings in connection with the commutation of produce rents into cash rents. These proceedings are described at pages 167-170 of the report and in Appendix G of the report. Many raiyats who felt themselves oppressed by the system of produce rents had resort to the settlement courts. The settlement authorities did their best for them, but the result was far from pleasing; in some cases it was even ruinous to the raiyats. This was mainly due to the unsatisfactory state of the law and to the legal advice (which afterwards turned out to be unsound) which was given to the Settlement Department at the earlier stages of the proceedings. As a result of the abortive proceedings in Bakarganj, the Settlement Officers in other districts now generally abstain, as far as

possible from taking up applications for the commutation of produce rents. The question will be considered when the Bengal Tenancy Act comes up for general revision.

12. I am next to turn to the cost of the operations and to advert to pages 242 to 250 of the report. The Government of India will remember that the estimate originally sanctioned was Rs. 20,00,000, at a rate of Re. 1 per acre. As Mr. Jack remarks, this was "rather an aspiration than an estimate." The actual cost has been Rs. 28,33,121. The Governor in Council is satisfied that throughout the operations the settlement authorities worked with single-minded zeal for the curtailment of expenditure. As the work progressed new and unforeseen difficulties arose. Moreover, as already pointed out, large operations for the revision of land revenue were superadded to the preparation of a record of existing rights. In any case the actual cost is considerably less than what was estimated in 1898 by the then Collector (Mr. Beatson Bell). He anticipated that the work could not be done for less than 32½ lakhs, at the rate of Re. 1-10 per acre, which was the rate in the Roshnabad settlement in the neighbouring district of Tippera. The Settlement Officer in Roshnabad was Mr. J. G. Cumming, a remarkably careful and economical officer. Mr. Jack has shown in paragraphs 471 to 484 the basis of the apportionment of the cost between the State and the landlords and tenants, and the recoveries that have been made from the latter. The final adjustment of accounts as between Imperial and Provincial revenues, and the ultimate liability of this Government in respect of this settlement are now being determined in consultation with the Accountant-General, Bengal.

13. I am now to turn to the concluding part of Mr. Jack's report. His interesting remarks on the subject of the maintenance of the record-of-rights were written before the receipt of the Secretary of State's latest Despatch (No. 99 Revenue, dated the 17th September 1915). His suggestions for the amendment of the Bengal Tenancy Act will be borne in mind when the time comes. Meanwhile his suggestions for administrative improvements in Bakarganj have already been noted by the local officers.

14. The Governor in Council desires to place on record his high appreciation of the work of Mr. Jack throughout the settlement operations in Bakarganj. Not the least valuable portion of his work is the admirable report which he has written. His maps and records have already outlived the temporary unpopularity which was inevitable in the course of their preparation. Alike by landlords, tenants, courts and legal practitioners they are now recognized as authoritative papers. The Governor in Council is confident that Mr. Jack's final report will be welcomed not only by all connected with Bakarganj but by all who desire to know the true facts about rural Bengal, and by all who appreciate good literature. The sound work done by the assistants who are mentioned at the conclusion of the report has already attracted the attention of the Governor in Council and he fully concurs in the remarks of Mr. Jack. Finally, he endorses all that Mr. Jack has written concerning Colonel Crichton and Major Hirst, his co-workers in the survey operations, and concerning the various Collectors who assisted in the operations.

I have the honour to be,

SIR,

Your most obedient servant,

L. BIRLEY,

Offg. Secy. to the Govt. of Bengal.